

Section 12: Site Plan Review

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12.1 PURPOSE AND AUTHORITY

- 12.1.1 The Peabody Planning Board shall administer the Site Plan Review process for new development and redevelopment within the City of Peabody. This Site Plan Review process is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution for the following purposes:
- A. to protect and promote the health, safety, convenience, and general welfare of the inhabitants of the City of Peabody, and to insure the integrity of the neighborhood;
 - B. to oversee acceptable site planning practices and to promote desirable architectural design within the City of Peabody;
 - C. to address development issues comprehensively while ensuring a streamlined and efficient development review process;
 - D. to provide for appropriate mitigation measures as a result of increased impacts to municipal services and infrastructure;
 - E. to ensure consistency in the application of development standards and guidelines, and;
 - F. to ensure proper monitoring and enforcement of Peabody zoning and development regulations.
- 12.1.2 The Peabody Department of Community Development and Planning shall serve as professional staff to the Planning Board and will assist the Board in all informal project review, including the Construction Review Conference and coordination of all comments and recommendations from City officials, agencies, departments, commissions or councils, including, but not limited to: the Building Inspector, Public Services Director, Board of Health, Conservation Commission, Fire Chief, and Police Chief.

12.2 APPLICABILITY

Individual single-family or two-family and accessory structures thereto, which are not part of a

project involving the construction of three or more dwelling units, are exempt from Section 12. The following types of activities and uses require Site Plan Review prior to construction in the City of Peabody:

- A. all buildings and structures which are to be newly constructed or enlarged by one thousand (1,000) square feet or greater shall be subject to Site Plan Review;
- B. residential development projects involving the construction of three or more dwelling units;
- C. exempt uses shall be subject to reasonable regulation via site plan review as set forth in M.G.L. c. 40A, s. 3;
- D. a change in use, other than single- or two-family, that has an increased requirement for parking or an increase in impervious surface other than building footprint;
- E. drive-in or drive-through window facilities;
- F. wireless telecommunications facilities.

12.3 PROCEDURE

An application for Site Plan Review shall be submitted to the Clerk of the Planning Board, who shall, within five (5) days after the receipt of a complete application, transmit one (1) copy of the Site Plan Review application and plan to the Building Inspector, Director of Public Services, Fire Chief, Police Chief, Municipal Light Plant, City Clerk and all Councilors who may, at their discretion, investigate the application and report in writing their recommendations to the Planning Board in a timely manner, either individually or via comments of the Construction Review Committee. The Planning Board shall not take final action on such application until it has received a report from said officials or from the Construction Review Committee, or until thirty (30) days from the date of such transmittal have elapsed without a submission of said report(s), in which case failure to respond shall be deemed a lack of opposition to the application.

The Planning Board shall schedule a meeting for all Site Plan Review applications within forty-five (45) days from the date stamp. The Planning Board shall, within forty-five (45) days of meeting on a site plan approve, approve with conditions, or deny the Site Plan Review application and file a written decision with the City Clerk and Building Inspector. The applicant may request, and the Planning Board may grant by regular majority vote, an extension of the time limits set forth herein.

12.4 CONSTRUCTION REVIEW COMMITTEE

Applicants for Site Plan Review are required to attend the monthly Construction Review Committee meeting prior to Site Plan Review consideration by the Planning Board. At the Construction Review Committee, Planning Staff will familiarize the applicant with the Site Plan Review permit process and will discuss with the applicant issues to be considered in the design of the project. The purpose of this consultation is to familiarize the applicant with the requirements and criteria for Site Plan Review and to address questions that the applicant may have prior to the submittal of a Site Plan Review application.

The conference will provide the applicant an opportunity to elicit comments and recommendations from the Peabody Building Inspector, Public Services Director, Fire Chief, Police Chief, Municipal Light Plant and all Councilors during the schematic design phase when the general scope, scale, and relationship of project components are preliminary. Comments and suggestions will provide the applicant the opportunity to incorporate agency and community concerns before significant financial resources are committed to the development of a site plan. The applicant shall submit, in the least, a sketch plan containing the basic information regarding the project. Other information submitted to the Construction Review Committee is left to the discretion of the applicant.

12.5 APPLICATION AND SITE PLAN CONTENTS

A. In General

Applicants shall submit a complete application for Site Plan Review to the Clerk of the Planning Board. All such applications shall include an application fee in the amount of one hundred dollars (\$100) along with twenty (20) copies and one (1) electronic copy of the following required materials:

1. Form entitled **“Application for Site Plan Review”**.
2. A letter of intent detailing the proposal including:
 - a. description of the project;
 - b. existing site conditions;
 - c. gross square feet of floor area;
 - d. estimated number of employees and/or residents;
 - e. tabulation of area in square feet devoted to building footprint;
 - f. parking and circulation areas;
 - g. open space.
3. A list of names and addresses of all the abutters using current City Assessor’s data.
4. Applications for Multi-family developments shall include a summary of the proposed development indicating:
 - a. the number of dwelling units to be built and the acreage in residential use;
 - b. provisions for the private maintenance thereof, including, but not limited to, trash, utilities, and landscaping;
 - c. identification of all land that will become common or public land.
5. A statement indicating the estimated time required to complete the proposed project and all phases thereof.
6. Drainage calculations, stormwater management and water/sewer impact analysis prepared by a registered professional engineer. Storm drainage calculations and design shall conform to the City’s subdivision regulations, drainage criteria of the Department of Public Services, and applicable Federal, state and local regulations/stormwater management policy. Water and sewer impact analysis shall conform to the criteria of the Department of Public Services.
7. A zoning evaluation table shall be provided to show how the development meets or fails to meet the requirements of the City of Peabody Zoning Ordinance.
8. A development impact statement to address the impacts of the proposed development on:
 - a. traffic generation and traffic flow and circulation;
 - b. impacts to abutting properties;
 - c. utilities;
 - d. the environment; and
 - e. municipal services.
9. Title Block, to include:
 - a. title of plan, including an address and City Assessor’s map and lot;
 - b. owner’s name and address;
 - c. the date the plan was prepared and date of subsequent revisions and reasons for revision;
 - d. scale of the plan;
 - e. name, address and seal of the preparer of the plan;
 - f. the building code use classification as defined by the MA State building code;
 - g. the type of construction as defined by the MA State building code.
10. Plan and details shall:
 - a. be submitted on eleven inch by seventeen inch sheets (11”x 17”)
 - b. have a scale of 1 inch equals 40 feet, or greater;
 - c. be prepared by one or more of the following, as applicable: a registered land surveyor, registered architect, registered professional engineer, or a registered landscape architect;

- d. contain a Site Locus Plan showing the entire project and its relation to abutting properties, buildings, and roads abutting streets and ways, list of all 'parties of interest' and their addresses, certified by the city assessor, and names of all abutters;
- e. contain a Site Layout Plan, which shall include:
 - 1) the boundaries of the lot(s) in the proposed development;
 - 2) property boundaries;
 - 3) rights-of-way and easements and their uses within the lot;
 - 4) footprint of existing and proposed buildings and structures;
 - 5) access and circulation patterns for pedestrians and vehicles;
 - 6) roadways and curbs;
 - 7) walkways and sidewalks;
 - 8) drives and aprons;
 - 9) parking areas;
 - 10) fences;
 - 11) walls;
 - 12) signage location and dimensions;
 - 13) location and size of refuse facility;
 - 14) location of handicapped parking;
 - 15) outdoor lighting;
 - 16) building entrances;
 - 17) service and loading facilities;
 - 18) areas for snow storage after plowing, if any;
 - 19) final selection of site materials, sizes, dimensions, and areas;
 - 20) all proposed recreational facilities and open space areas, if any;
 - 21) indicate graphic scale, date, north arrow, and vertical datum (NVDG);
 - 22) identify any special site characteristics and noteworthy natural features, such as, but not limited to:
 - a) views;
 - b) existing vegetation;
 - c) wetlands;
 - d) topographic changes;
 - e) soils;
 - f) bedrock;
 - g) required setbacks that are being considered in the siting and design of the building, roads, and parking areas.
- f. contain a Topography and Drainage Plan, which shall include;
 - 1) the existing and proposed final topography at two-foot intervals;
 - 2) existing and proposed utilities including water, sewer, drain, gas, electrical, cable television, telephone and other gate valves, shut off valves, cleanouts, manholes, storm drainage structures and proposed water meter locations on and adjacent to the site;
 - 3) details and specifications for handling stormwater drainage, including stormwater management areas and all existing wetlands, watercourses and floodplain areas.
- g. contain a Detailed Utility Plan, which shall include;
 - 1) all facilities for refuse and sewage disposal or storage of all wastes;
 - 2) the location of all fire protection systems including hydrants, fire alarm and firefighting facilities on and adjacent to the site.
 - 3) location of utility poles, manholes and handholes.
- h. contain a Landscaping Plan that complies with Section 10 of the zoning ordinance, which shall include:
 - 1) the limits of work;

- 2) existing tree lines.
- 3) all proposed landscape features and improvements including:
 - a) open space;
 - b) conservation areas;
 - c) screening and visual buffers;
 - d) planting areas with size, type and number of all existing and proposed trees, shrubs, and other site amenities;
 - e) the location of proposed erosion control measures.
- i. contain a Site Lighting/Photometric Plan, which shall provide:
 - 1) location of and specifications for all proposed outdoor lighting fixtures, including freestanding and building mounted;
 - 2) a photometric grid of site showing average horizontal foot candle levels at grade with proposed property in ten foot squares;
 - 3) a narrative of off-site impacts
- j. contain a Detail Sheet(s) indicating typical site construction details;
- k. contain roadway and driveway apron profiles and cross sections that conform to the Peabody Planning Board Rules and Regulations;
- l. contain detailed plans relevant to proposed project appearance:
 - 1) architectural renderings, to include all elevations and descriptions of exterior building materials;

12.6 WAIVER OF TECHNICAL COMPLIANCE

The Planning Board may, upon written request of the applicant, waive any of the Application Requirements listed under technical Section 12.5 only when it determines that:

- A. literal compliance is impractical due to the nature of the use;
- B. the location, size, width, depth, shape or grade of the lot makes compliance impossible;
- C. such waivers would be in the public interest;
- D. such waivers would protect natural features.

12.7 REVIEW CRITERIA - GENERALLY

12.7.1 New building construction or other site alteration shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

- A. minimize the volume of cut and fill, the number of removed trees 6" caliper or 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 threat of air and water pollution;
- B. maximize pedestrian and vehicular safety both on the site and leaving from it;
- C. minimize obstruction of scenic views from publicly accessible locations;
- D. minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or from residential properties;
- E. minimize glare from headlights and light pollution emitted from on-site lighting fixtures;
- F. minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- G. minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
- H. provide adequate access to each structure for fire, public safety and service equipment;
- I. provide adequate utilities and adequate water and sewer mitigation;

- J. provide stormwater drainage and roadway and driveway layouts consistent with the functional requirements of the City of Peabody's Subdivision Rules and Regulations, any applicable Federal, state and local regulations, and to the standards of the Department of Public Services;
- K. demonstrate compliance with the intent and provisions of this Zoning Ordinance, including parking, signage, landscaping, inclusionary zoning and environmental performance standards.

12.7.2 The Planning Board shall use, but is not limited to, the above criteria to determine whether an application for Site Plan Review should be approved, approved with conditions or denied. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these goals.

12.8 EFFECT

No building permit shall be issued by the Building Inspector without a written approved Site Plan Review decision from the Planning Board, unless ninety (90) days lapse from the date stamp of the City Clerk, unless there is an extension. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.

Where the Planning Board approves a Site Plan Review "with conditions", and/or said Site Plan Review accompanies any other review by a local municipal board, commission or council, the conditions imposed by the Planning Board shall be incorporated into the issued decision by any other reviewing municipal board, commission or council. Where the Planning Board approves a Site Plan Review that has been reviewed and approved with conditions by other local municipal boards, commission or council, the conditions imposed by said board, commission or council shall be incorporated into the decision of the Planning Board.

The applicant shall submit one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector, of the plan of record that was submitted to the Planning Board for Site Plan Review. The applicant shall submit a letter issued by a registered professional engineer, registered architect or registered landscape architect to certify that, under pains and penalties of perjury, the plan of record is consistent in all aspects with the plan reviewed and approved by the Planning Board and that all conditions of approval have been met.

12.9 LAPSE

The approval of the site plan shall lapse two (2) years after the grant thereof if construction has not begun. The Planning Board may grant an extension for such approval for good cause, upon the written request of the applicant. The written request must be submitted to the Clerk of the Planning Board thirty (30) days prior to the lapse of approval. The Planning Board may grant an extension if the delay has been caused on account of the need to obtain other local, state, and federal permits duly applied for. Extension of the Site Plan Review approval may be extended once for a maximum of one (1) year.

12.10 GUIDELINES, REGULATIONS AND STANDARDS

By majority vote of the members of the Planning Board, the Board may adopt and promulgate reasonable Guidelines, Regulations and Standards to be used for the administration of Site Plan Review under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), City of Peabody Ordinances, or other legal right or authority granted to or conferred upon said Board.

The proposed Guidelines, Regulations and Standards shall be submitted to all Board members at least 48

hours prior to any vote to adopt the same, provided, however, the Board may make such amendments to the proposed Guidelines or Regulations as it deems appropriate at said meeting.

Upon approval of any Guidelines, Regulations and Standards by the Board, a copy of the same shall be filed with the City Clerk and become effective as of the date of filing thereof unless the specific vote of the Planning Board establishes a later effective date.

12.11 APPROVAL, CONDITIONS, & CONTINUATION OF SITE PLAN REVIEW

The Planning Board shall, within ninety (90) days from date stamp of the City Clerk or approved extension, file a written decision with the City Clerk stating that the application is approved as submitted, approved with conditions, or denied. Failure by the Planning Board to take action within the said ninety (90) day period or approved extension will be deemed as a constructive approval.

The Planning Board, at the time of approval, may impose conditions on any Site Plan Review approval which it deems necessary or desirable to ensure that the subject project addresses the Site Plan Review criteria established herein.

12.12 ADVERTISING, CONSULTANT FEES AND REPORTS

In addition to application and advertisement fees, the Board is authorized, at any time during the hearing process, to require the applicant to pay all the costs and expenses of any expert consultant deemed necessary by the Board to evaluate the Site Plan Review application. This fee is called the “consultant fee.” Consultant services may include, but are not limited to, services performed by the following professionals: civil engineer, traffic engineer, and other types of land use experts. Fees shall be based on fair market value of such expertise and shall be paid directly from applicants to the consulting expert unless otherwise established by the Planning Board at the meeting.

The Board may require the payment of the consultant fee at any point in its deliberations prior to a final decision. If a revolving fund for consultant expenses and fees is authorized by the Board, City Council, or by any general or special law, the applicant’s fee shall be put into such revolving fund, and the Board may draw upon that fund for specific consultant services approved by the Board at one of its public meetings. Any unused portion of the consultant fee shall be returned to the applicant unless the Board decides at a public meeting that additional services will be required.

The exercise of discretion by the Board in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information available only through outside consultants is necessary to make an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

The Board may, at its own discretion, waive the filing fee, consultant fee, and costs and expenses for Site Plan Review if the application is filed by a government agency, including the City and all its departments.

A copy of all consultant reports shall be provided by the Planning Board to the applicant in a timely manner.

12.13 PERFORMANCE GUARANTEES - GENERALLY

- 12.13.1 As part of a permit issued under this ordinance, except for permits issued for work being performed or contracted by any agency of the Commonwealth or political subdivision thereof, and in addition to any

security required by any other municipal or state board or agency, the Planning Board may require that the installation of municipal services or projects that may affect municipal utilities and municipal roadways, sidewalks or other municipal services, whether on-site or off-site, be secured wholly or in part by a performance guarantee.

- 12.13.2 To ensure the completion of a project, a financial guarantee, such as a bond, or deposit of money, or negotiable securities, or other undertakings of financial responsibility sufficient in the opinion of the Planning Board, may be required of the applicant. Cash escrows and irrevocable standby letters of credit are the forms of financial guarantees that will be accepted. Property escrows will not be accepted.
- 12.13.3 Applicants shall submit estimates of what the required improvements will cost, including contractor bids to perform the work, plus a 30% contingency to ensure the completion of construction or alteration of municipal facilities. The Director of Public Services shall review all bond estimates to determine consistency with the most recent cost estimating data compiled by the Department of Public Services. The Department of Public Services shall submit written notification to the Board of its acceptance of the bond estimate. If the estimate is not adequate, DPS shall provide a revised cost estimate to the Board.
- 12.13.4 Prior to any construction, the applicant shall post a bond with the Planning Board to cover any and all on-site or off-site damages related to site work. The bond shall not be less than 15% of the estimated costs for utilities, roadways, sidewalks or other municipal services. This fund may be used by the Planning Board to repair, clean and/or maintain any on-site or off-site conditions (whether private or public property) related to site work, whether or not arising out of reaction or inaction of the applicant, its contractors, agents or assigns.
 - A. The term of any financial guarantee must be at least six months beyond the receipt of a certificate of occupancy. The Planning Board, at its discretion, may allow partial or complete release of guaranteed funds as sections of a project are completed. The Planning Board has the right not to release any part of the guaranteed funds until after the project is finished and reviewed by the Department of Public Services, Building Inspector or other agencies, boards, council, and commissions in the City of Peabody
 - B. The Planning Board has the right to reject the terms of a proposed financial guarantee and to determine the amount of funds that must be guaranteed. The Planning Board's only duty to secure release of guaranteed funds is to certify that required improvements have not been completed on time or to a satisfactory standard, as defined by the Planning Board.
 - C. At the discretion of the Planning Board, a joint financial guarantee may be used to comply with Planning Board requirements and that of other agencies, boards, and commissions in the City of Peabody, provided however that all relevant parties agree on the terms and the principal and that the guarantee is structured so that all relevant parties agree before any funds are released.

12.14 MODIFICATIONS TO APPROVED SITE PLAN

- 12.14.1 The City Council shall be notified if at any time before or during development it becomes necessary or desirable to make modifications to a site plan, the applicant shall appear at a regular meeting of the Planning Board and submit, if required by the Planning Board, plans showing the modification. Modifications shall be processed in accordance with the rules governing Site Plan Review, unless, at the sole discretion of the Planning Board, the modification is minor in nature and does not require

another meeting. Listed below are examples of revisions warranting review by the Planning Board. A meeting with Planning staff prior to filing is recommended in the following circumstances, but not limited thereto:

- A. relocation or shifting of structures or parking areas;
- B. increase in total square footage of structures or changes to building envelope;
- C. changes that require additional water/sewer use or the shifting of water and sewer utilities;
- D. increases in impervious area, either by changes to structures or paved parking areas, for reason of potential downstream impacts;
- E. request by the applicant to revise or amend conditions of approval by the Planning Board;

12.14.2 The applicant shall submit one (1) paper copy and one (1) electronic copy in a format acceptable to the Building Inspector of the revised plan for any project that has received approval for modification by the Planning Board. The applicant shall submit a letter issued by a registered professional engineer stating, under pains and penalties of perjury, that the revised plan is consistent in all aspects with the plan reviewed and approved by the Planning Board and that all conditions of approval have been met.

12.15 APPEAL

Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with M.G.L. c. 40A, s. 8 to a court of competent jurisdiction.

12.16 CONFLICT WITH PLANNING BOARD REGULATIONS

If the site plan review ordinance is in conflict with any regulation of the subdivision rules and regulations of the Peabody Planning Board, the planning board regulations shall supersede the site plan review ordinance.

12.17 SEVERABILITY

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provisions thereof.