

1 **Motion for Article 7**

2
3 **MOTION:**

4 **Move to amend the Zoning By-laws by Deleting Section 7 and ADDING “SECTION 12:**
5 **ADMINISTRATION” as follows:**

6
7 **SECTION 12.0 ADMINISTRATION AND PROCEDURES**

8 **12.1 PERMITS.**

9 **12.1.1 Inspector of Buildings.** The office of the Inspector of Buildings is responsible for the
10 issuance of building permits. The Inspector of Buildings shall withhold a permit for the
11 construction, alteration or moving of any building or structure if the building or structure as
12 constructed, altered or moved would be in violation of this By-law and no permit shall be
13 granted for a new use of a building, structure or land which use would be in violation of this By-
14 law. When a special permit, site plan approval, or variance has been granted with conditions,
15 such conditions shall be enforced by the Inspector of Buildings.

16 **12.1. Certificate of Occupancy.** No use or occupation of land for any purpose for which a
17 certificate of occupancy is required shall be made, in whole or in part, until such a certificate has
18 been issued by the Inspector of Buildings stating that the use of land and structure, if any,
19 complies with this By-law and other applicable codes in effect at the time of issuance.

20 **12.2 ENFORCEMENT**

21 **12.2.1 Inspector of Buildings.** The office of the Inspector of Buildings is responsible for the
22 enforcement of this By-law. The Inspector of Buildings is also responsible for the enforcement
23 of any conditions set forth in site plan approval, a special permit, or a variance.

24 **12.1.2 Penalties.** Any person violating any provision of this By-law, upon conviction, shall be
25 fined \$300 for each offense, and each day that such violation continues shall constitute a separate
26 offense.

27 **12.1.3 Noncriminal Disposition.** In addition to the procedures for enforcement as described in
28 the previous paragraph, the provisions of this By-law may be enforced by the Inspector of
29 Buildings by noncriminal complaint pursuant to the provisions of G.L. c. 40, s. 21D. The
30 penalty for violation of any provision of this By-law shall be \$25.00 for the first offense; \$50.00
31 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each
32 subsequent offense.

33 **12.3 ZONING BOARD OF APPEALS**

34 **12.3.1 Appointment; Organization.** The Zoning Board of Appeals shall consist of five (5)
35 regular members and two (2) associate members appointed by the Select Board for three-year
36 terms. The regular members shall be appointed such that the term of at least one member shall

37 expire each year. Vacancies shall be filled in the same manner as appointments. The Zoning
38 Board of Appeals shall elect one (1) of its members as chairman and one of its members as clerk,
39 each to serve for a one (1) year term. The two (2) associate members shall be appointed such
40 that their terms do not expire the same year.

41 **12.3.2 Removal.** A member may be removed only for cause by the Select Board and only after
42 a written statement of the facts on which removal for cause is based has been presented to such
43 member and a public hearing has been held at which the member has been afforded the
44 opportunity to be heard.

45 **12.3.3 Powers.** The Zoning Board of Appeals shall have and exercise all the powers granted to
46 it by Chapters 40A, 40B, and 41 of the General Laws and by this By-law. The Board's powers
47 are as follows:

48 1. To hear and decide applications for special permits. Unless otherwise specified
49 herein, the Zoning Board of Appeals shall serve as the special permit granting authority.

50 2. To hear and decide appeals or petitions for variances from the terms of this By-law,
51 with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Zoning
52 Board of Appeals shall not have the power to grant use variances; provided, however,
53 that a use variance may be granted in the Limited Commercial District upon a written
54 finding by the Zoning Board of Appeals that, in addition to the requirements set forth in
55 G.L. c. 40A, s. 10, the specific conditions set forth in Section 11.5 of this By-law have
56 been considered.

57 3. To hear and decide appeals taken by any person aggrieved by reason of his inability to
58 obtain a permit or enforcement action from any administrative officer under the
59 provisions of G.L. c. 40A, ss. 8 and 15.

60 4. To hear and decide comprehensive permits for construction of low or moderate
61 income housing by a public agency or limited dividend or nonprofit corporation, as set
62 forth in G.L. c. 40B, ss. 22-23.

63 **12.3.4 Regulations.** The Zoning Board of Appeals may adopt rules and regulations for the
64 administration of its powers.

65 **12.2.5 Fees.** The Zoning Board of Appeals may adopt reasonable administrative fees and
66 technical review fees for petitions for variances, administrative appeals, and applications for
67 comprehensive permits.

68 **12.4 PLANNING BOARD**

69 **12.4.1 Establishment.** The Planning Board shall consist of seven (7) elected members, elected
70 for three-year terms.

71 **12.4.2 Powers.** The Planning Board shall have the following powers:

72 1. To hear and decide applications for special permits, when designated as the SPGA in
73 this By-law.

- 74 2. To hear and decide applications for site plan approval pursuant to Sections 12.5 and
75 12.8.
- 76 3. To endorse Approval Not Require Plans.
- 77 4. To hear and decide applications for Subdivisions.
- 78 5. To administer the Subdivision Control Law.
- 79 6. Other planning functions related to the use of land.

80

81 **12.4.3 Regulations.** The Planning Board may adopt rules and regulations for the administration
82 of its powers.

83 **12.4.4 Fees.** The Planning Board may adopt reasonable administrative fees and technical
84 review fees for applications for special permits and site plan review.

85

86 **12.5 SPECIAL PERMITS**

87 **12.5.1 Special Permit Granting Authority.** When designated by this By-law and the General
88 By-law, the Zoning Board of Appeals, the Select Board, and the Planning Board shall act as the
89 Special Permit Granting Authority (SPGA).

90 **12.5.2 Criteria.** Special permits shall be granted by the Special Permit Granting Authority,
91 unless otherwise specified herein, only upon its written determination that the adverse effects of
92 the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in
93 view of the particular characteristics of the site, and of the proposal in relation to that site. The
94 Planning Board of SPGA shall rely on the Performance Standards included in Section 6.2 of this
95 By-law. In addition to any specific factors that may be set forth in this By-law, the
96 determination shall include consideration of each of the following:

- 97 1. Standards set forth in Section 6.2.
- 98 2. Social, economic, or community needs which are served by the proposal, if
99 appropriate;
- 100 3. Traffic flow and safety, including parking and loading;
- 101 4. Adequacy of utilities and other public services;
- 102 5. Neighborhood character and social structures;
- 103 6. Preservation, enhancement, or creation of existing and proposed scenic viewsheds for
104 the enjoyment of the general public
- 105 7. Impacts on the natural environment; and
- 106 8. Potential fiscal impact, including impact on Town services, tax base, and employment.

107 **12.5.3 Procedures.** An application for a special permit shall be filed in accordance with the
108 rules and regulations of the Special Permit Granting Authority.

109 **12.5.4 Conditions.** Special permits may be granted with such reasonable conditions,
110 safeguards, or limitations on time or use, including performance guarantees, as the Special
111 Permit Granting Authority may deem necessary to serve the purposes of this By-law. Such
112 conditions may include, but are not limited to the following:

- 113 1. Setback requirements greater than the minimum required by this By-law;
- 114 2. Requirements as to installation of screening, fencing or other means of protecting
115 adjacent property;
- 116 3. Modification of the exterior features or appearance of any structure;
- 117 4. Limitation as to size, number of occupants, or method and time of operation of any
118 proposed use;
- 119 5. Regulation of number, design and location of access drives and other traffic features;
- 120 6. Requirement of off-street parking and other special features;
- 121 7. Installation of mechanical or other devices to limit noise, light, odor or other
122 objectional aspects of use; and
- 123 8. Requirement for surety bonds or other security for the performance of any conditions
124 attached to the special permit, if appropriate.

125 **12.5.5 Referral.** When appropriate, the Zoning Board of Appeals, Select Board and Planning
126 Board, when serving as the SPGA, shall refer a special permit application to the Board of Health,
127 Conservation Commission, and the Department of Public Works for written comments and
128 recommendations before taking final action on said special permit application. Referral to staff
129 members of these departments, boards, or committees for comments shall be required in all
130 instances. The SPGA may refer a special permit application to any other Town agency, board, or
131 department for comments and recommendations if it so desires before taking final action on said
132 special permit application. A public hearing on said referral shall not be required. Any such
133 Board or Agency to which applications are referred for comment shall make its
134 recommendations and send copies thereof to the SPGA and the applicant within thirty-five (35)
135 days of receipt of the referral request by said board or agency or there shall be deemed no
136 opposition or desire to comment. The SPGA shall not act upon said special permit until either
137 comments from referred board or agencies have been received, or said thirty five (35) days have
138 elapsed, whichever is sooner. Applications referred to more than one board or agency may be
139 reviewed jointly by said boards or agencies.

140 **12.5.6 Plans.** Unless otherwise provided by rule or regulation of the Special Permit Granting
141 Authority, an applicant for a special permit shall submit a plan in substantial conformance with
142 the requirements of Section 12.5 and Section 6.3, herein. The provisions of this Section shall not
143 apply to applications for special permits pursuant to Section 7.0 to alter a nonconformity. The
144 Zoning Board of Appeals shall establish procedures governing such applications by regulation.

145 **12.5.7 Regulations.** The Special Permit Granting Authority may adopt rules and regulations for
146 the administration of this section.

147 **12.5.8 Fees.** The special permit granting authority may adopt reasonable administrative fees
148 and technical review fees for applications for special permits. The Planning Board or SPGA may
149 require the establishment of an escrow account, pursuant to G.L. c. 44, s. 53G during the special
150 permit process or site plan approval, to cover all or part of the cost of the technical review
151 required by the project, including services provided by, but not limited to, attorneys, traffic
152 engineers, landscape architects, civil engineers, fiscal analysts, and other professionals.

153 **12.5.9 Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder
154 has not begun, except for good cause, within thirty-six (36) months following the filing of the
155 special permit approval (plus such time required to pursue or await the determination of an
156 appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

157 **12.6 SITE PLAN REVIEW.**

158 **12.6.1 Purpose.** The purpose of site plan review is to ensure the design and layout of certain
159 developments permitted as a matter of right, by special permit, or by variance. Site plan review
160 is intended to promote suitable development that will not result in a detriment to the
161 neighborhood or the environment.

162 **12.6.2 Applicability.** The following activities shall require site plan approval from the Planning
163 Board:

164 1. Any new development, expansion, or change of use other than a single-family or two-
165 family residence which would, under the parking schedule "Off-Street Parking
166 Regulations" of Section 6.1, require five (5) or more parking spaces, regardless of the
167 number of parking spaces preexisting on the premises; and

168 2. Any site development which involves cutting or removal of vegetation, shall be
169 permitted only upon site plan approval from the Planning Board. Site plan approval shall
170 be granted only if the Planning Board finds that such approval is consistent with the
171 purposes set forth in this Section 12.6 and the Performance Standards of 6.2.

172 **12.6.3 Procedure.** The planning board shall hold a public hearing for consideration of an
173 application for site plan approval. Said hearing shall be conducted in accordance with the
174 procedures set forth in G.L. c. 40A, s. 11 for special permits. The written decision of the
175 Planning Board shall be filed with the Town Clerk within 90 days of the close of the public
176 hearing. Failure to file the decision within 90 days of the close of the public hearing shall be
177 constructive approval of the site plan application.

178

179 **12.6.4 Site Plan Requirements.** Plans subject to site plan review shall be prepared by a
180 Registered Architect, Landscape Architect, or Professional Engineer licensed by the
181 Commonwealth of Massachusetts. The site plan shall be prepared at a scale no greater than
182 1"=40', and shall show the following:

183 1. Locus map at a scale not greater than 1'=2,000';

- 184 2. All existing and proposed buildings and structures;
- 185 3. All existing and proposed contour elevations;
- 186 4. All existing and proposed parking spaces, driveway openings, driveways, and service
187 areas;
- 188 5. All existing and proposed facilities for sewage, refuse, and other waste disposal;
- 189 6. All wetlands, surface water, and areas subject to the 100-year flood;
- 190 7. All existing and proposed facilities for surface water drainage;
- 191 8. All existing and proposed landscape features such as fences, walls, trees and planting
192 areas, walks, and lighting.
- 193 9. All contiguous land owned by the applicant or by the owner of the property.

194 **12.6.5 Additional Application Requirements.** The applicant shall also submit the following in
195 accordance with Section 6.4:

- 196 1. Such material as may be required regarding measures proposed to prevent pollution of
197 surface or ground water, soil erosion, increased runoff, changes in groundwater level, and
198 flooding.
- 199 2. Such material as may be required regarding design features intended to integrate the
200 proposed new development into the existing landscape, to enhance aesthetic assets, and to
201 screen objectional features from neighbors.
- 202 3. Such material as may be required regarding the projected traffic-flow patterns into and
203 upon the site for both vehicles and pedestrians and an estimation of the projected number
204 of motor vehicle trips to and from the site for an average day and for peak hours.
- 205 4. Such material as may be required to evidence compliance with the Performance
206 Standards of Section 6.2

207 **12.6.6 Waiver of Technical Compliance.** The Planning Board may, upon written request of
208 the applicant, waive any of the technical or procedural requirements of this Section where the
209 project involves relatively simple development plans.

210 **12.6.7 Decision; Criteria.** Site plan approval shall be granted upon determination by the
211 Planning Board that the plan meets the following objectives. A majority of the Planning Board,
212 as constituted, shall be required for site plan approval. The Planning Board may impose
213 reasonable conditions at the expense of the applicant to promote these objectives. Any new
214 building construction or other site alteration shall provide adequate access to each structure for
215 fire and service equipment and adequate provision for utilities and stormwater drainage
216 consistent with the functional requirements of the Rules and Regulations Governing the
217 Subdivision of Land in Manchester-by-the-Sea, Massachusetts. The Planning Board shall use
218 the parking, signage, landscaping and other performance standards prescribed in Section 6.0 of
219 this By-law in considering all site plans, in order to promote the following goals:

- 220 1. Protection of adjacent areas against detrimental or offensive uses on the site by
221 provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust,
222 vibration, and the allowance of sun, light, and air;
- 223 2. Convenience and safety of vehicular, bicycle, and pedestrian movement within the site
224 and in relation to adjacent areas;
- 225 3. Adequacy of facilities of handling and disposal of refuse and other production by-
226 products;
- 227 4. Protection of environmental features on the site and in adjacent area;
- 228 5. Promotion of appropriate arrangement of structures within the site and in relation to
229 existing structures within the district and neighborhood;
- 230 6. Coordination with and improvement of systems of vehicular, bicycle, and pedestrian
231 access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, water
232 courses, buildings and other features that support the neighborhood;
- 233 7. Compliance with all applicable sections of this By-law.

234 **12.6.8 Performance Guarantee.** As a condition of site plan approval, the Planning Board may
235 require that construction and site alteration permitted and specified by said approval be secured
236 by one, or in part by one and in part by the other, of the methods set forth in G.L. c. 41, s. 81U
237 (except for the statutory covenant).

238 **12.6.9 Release of Guarantee.** Performance guarantees may be released in whole or from time
239 to time, in part, when the work has been satisfactorily completed in the opinion of the Planning
240 Board. The Planning Board shall then release the interest of the Town in such bond and return
241 any bond or deposit to the person who furnished the same. Request for all releases shall be by
242 certified, return receipt letter to the Planning Board and the Town Clerk and shall outline that
243 portion of the work to be released and shall be accompanied by an engineer's or surveyor's
244 certification that the work has been done in accordance with the requirements of the granted site
245 plan approval. If the Planning Board determines that said construction or site alteration has not
246 been completed, it shall specify in a notice sent by registered mail to the applicant and to the
247 Town Clerk, the details wherein said construction or site alteration fails to comply with the site
248 plan approval and upon failure to do so within forty-five (45) days after the receipt by said Town
249 Clerk of said request by the applicant, all obligations under any bond shall cease and terminate
250 by operation of law, and any deposit shall be returned. In the event that said forty-five (45) day
251 period expires without such specification, or without the release and return of the bond or return
252 of the deposit as aforesaid, the said Town Clerk shall issue a certificate to such effect, duly
253 acknowledged, which may be recorded.

254

255 **12.6.11 Regulations.** The Planning Board may adopt reasonable regulations for the
256 administration of site plan review.

257 **12.6.12 Fees.** The Planning Board may adopt reasonable administrative fees and technical
258 review fees for site plan review.

259 **12.6.13 Appeal.** Any decision of the Planning Board pursuant to this Section may be appealed
260 in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

261 **12.7 REQUEST FOR REASONABLE ACCOMMODATION**

262 **12.7.1 Purpose.** Under the Federal Housing Authority (FHA), it is a discriminatory practice to
263 refuse to make "a reasonable accommodation in rules, policies, practices, or services when such
264 accommodation may be necessary to afford [a handicapped] person equal opportunity to use and
265 enjoy a dwelling" 42 U.S.C. s. 3604(f)(3)(B). The same standard applies under the ADA, which
266 also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C.
267 12112(b)(5).

268 See also G.L. c. 40A, s. 3. The purpose of this Section is to facilitate housing and/or services for
269 persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where
270 applicable, the ADA.

271 **12.7.2 Request.** Any person eligible under the FHA or any provider of housing to persons
272 eligible under the FHA, or any person eligible to operate a nonresidential facility providing
273 services to persons eligible under the ADA, may request a Reasonable Accommodation as
274 provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation
275 does not affect a person's or provider's obligations to act in compliance with other applicable
276 laws and regulations not at issue in the requested accommodation.

277 **12.7.3 Zoning Board of Appeals.** All requests for Reasonable Accommodation under the FHA
278 and/or the ADA shall be submitted to the Zoning Board of Appeals (ZBA).

279 **12.7.4 Information.** All requests for Reasonable Accommodation shall be in writing and
280 provide, at a minimum, the following information:

- 281 1. Name and address of person(s) or entity requesting accommodation;
- 282 2. Name and address of property owner;
- 283 3. Name and address of dwelling or facility at which accommodation is requested;
- 284 4. Description of the requested accommodation and specific regulation or regulations for
285 which accommodation is sought;
- 286 5. Reason that the requested accommodation may be necessary for the person or persons
287 with disabilities to use and enjoy the premises; and
- 288 6. If the requested accommodation relates to the number of persons allowed to occupy a
289 dwelling, the anticipated number of residents, including facility staff (if any).
- 290 7. If necessary to reach a decision on the request for Reasonable Accommodation, the
291 ZBA may request further information from the applicant consistent with the FHA and/or
292 ADA, specifying in detail the information required.

293 **12.7.5 ZBA Procedures.** The ZBA shall decide a request for reasonable accommodation by
294 majority vote at an open meeting. The ZBA may hold a public hearing using the procedures,
295 including notice, set forth in G.L. c. 40A, ss. 11 and 15. The deadlines imposed in G.L. c. 40A,
296 s. 11 or s. 15 may be extended upon the request of the applicant and the approval of the ZBA.
297 The ZBA may seek information from other Town agencies in assessing the impact of the
298 requested accommodation on the rules, policies, and procedures of the Town. Upon written
299 notice to the ZBA, an applicant for a reasonable accommodation may withdraw the request
300 without prejudice. The ZBA shall consider the following criteria when deciding whether a
301 request for accommodation is reasonable:

- 302 1. Whether the requested accommodation is reasonable;
- 303 2. Whether the requested accommodation would require a fundamental alteration of a
304 legitimate Town policy; and
- 305 3. Whether the requested accommodation would impose undue financial or
306 administrative burdens on the Town government.

307 **12.7.6 Decision.** After conducting an appropriate inquiry into the request for reasonable
308 accommodation, the ZBA may:

- 309 1. Grant the request;
- 310 2. Grant the request subject to specified conditions; or
- 311 3. Deny the request.

312
313 The ZBA shall issue a written final decision on the request in accordance with G.L. c. 40A, s. 15.
314 If the ZBA fails to render its decision on a request for reasonable accommodation within the time
315 allotted by G.L. c. 40A, s. 15, the request shall be deemed granted. The ZBA's decision shall be
316 filed with the Town Clerk and sent to the applicant by certified mail.

317 **12.7.7 Appeal.** The ZBA's decision pursuant to this Section may be appealed to a court of
318 competent jurisdiction in accordance with G.L. c. 40A, s. 17 or otherwise.

319 **12.7.8 File.** The ZBA shall maintain a file of all requests for reasonable accommodation under
320 the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be
321 reviewed in the Office of the ZBA upon request during regular business hours.

322 **12.7.9 Other Laws.** While a request for a reasonable accommodation is pending, all laws and
323 regulations otherwise applicable to the premises that is the subject of the request shall remain in
324 full force and effect.

325 **12.8 SITE PLAN REVIEW FOR DOVER AMENDMENT USES**

326 **12.8.1 Purpose.** The purpose of this Section is to provide for site plan review of religious uses,
327 educational uses, and child care centers otherwise "exempt" pursuant to G.L. c. 40A, s. 3. These
328 are items B.1, B.2 and B.3 in the Table of Use and Parking Regulations in Section 4.

329 **12.8.2. Site Plan Review Required.** Prior to the issuance of any building permit or certificate
330 of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.1, B.2,
331 or B.3, as set forth in the Table of Allowed Uses in Section 4 shall require site plan approval
332 from the Planning Board pursuant to this Section.

333 **12.8.3 Scope of Site Plan Review.** Under this Section, Site Plan Review shall be limited to
334 two inquiries:

- 335 1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,
- 336 2. What reasonable regulations concerning the bulk and height of structures and
337 determining yard sizes, lot area, setbacks, open space, parking and building coverage
338 requirements, if any, should be imposed on the use.

339 **12.8.4 Required Information.** All applications for Site Plan Review shall be in writing and
340 provide, at a minimum, the following information:

- 341 1. Name and address of applicant person or entity;
- 342 2. Name and address of property owner;
- 343 3. Description of the proposed use and any documents necessary to establish threshold
344 compliance with G.L. c. 40A, s. 3;
- 345 4. Reason that relief is requested from otherwise applicable zoning requirements;
- 346 5. If necessary to reach a decision on the application, the Planning Board may request
347 further information from the applicant consistent with G.L. c. 40A, s. 3, specifying in
348 detail the information required.

349 **12.8.5 Site Plan; Contents.** In addition, the applicant shall submit a site plan with the
350 following information:

- 351 1. Legend depicting all pertinent existing and proposed site features.
- 352 2. The date and north arrow shall be shown on the plans.
- 353 3. All site plans must be stamped by a Registered Professional Civil Engineer and a
354 Professional Land Surveyor. The land surveyor shall perform an instrument boundary
355 survey and shall certify the accuracy of the locations of the buildings, setbacks, and all
356 other required dimensions to property lines.
- 357 4. Zoning Chart depicting "Required" vs. "Provided" for all applicable Zoning Criteria
358 including Lot Size, Frontage, Setbacks, Building Height, Lot Coverage, Parking Spaces,
359 Landscaping Requirements.
- 360 5. Locus map, at a scale of 1" = 600' or suitable scale to accurately locate the site in
361 Town, oriented on the plan in the same way as the large-scale plan.

- 362 6. The location, width, status (public or private), and name of all streets within 100' of
363 the project.
- 364 7. On-site and abutting lot lines. On-site lot lines shall be described by bearings and
365 distance. Abutting lot lines shall be shown in a general way.
- 366 8. Zoning District lines, including overlay districts if applicable.
- 367 9. The location of existing or proposed building(s) on the lot shall be shown with total
368 square footage and dimensions of all buildings.
- 369 10. Any streams, brooks, or wetland resource area boundaries within 100' of the property
370 lines.
- 371 11. Information on the location, size and type and number of existing and proposed
372 landscape features. Provide Diameter at Breast Height (DBH) for all existing site trees
373 ≥ 6 " DBH --within the project site disturbance limits
- 374 12. Information on the location, size and capacity of existing and proposed on-site and
375 abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.) including
376 utilities in abutting side streets, if applicable.
- 377 13. Detailed locations and dimensions of all existing and proposed buildings and uses on
378 site and on abutting properties, including exterior details relating to the building footprint.
379 All existing and proposed setbacks from property lines. Any minimum, or below
380 minimum, setback distances shall be clearly noted as such on the plan.
- 381 14. Information and details for all site and directional on-site signage shall be submitted.
- 382 15. Elevation and facade treatment plans of all proposed structures. Color renderings are
383 required for new construction.
- 384 16. Information on the location, size and type of parking, loading, storage and service
385 areas. A parking calculation schedule noting existing, required and proposed spaces for
386 the entire site shall be provided.
- 387 17. Details and specifications (if applicable) for proposed site amenities, including, but
388 not limited to fences, recreation facilities, walls or other barrier materials; and special
389 paving materials.

390 **12.8.6 Decision.** The Planning Board may approve, approve with conditions, or deny an
391 application for site plan approval. In making its decision, the Board shall be guided exclusively
392 by G.L. c. 40A, s. 3. The Board shall file a written decision with the Town Clerk within ninety
393 (90) days after the close of the Public Hearing. Failure to file a decision within ninety (90) days
394 after the close of the Public Hearing shall constitute approval of the site plan.

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396 **12.8.7 Appeal.** Any appeal of the Planning Board's decision in this Section shall be made
397 pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.