

4.02 Site Plan Review³⁹

(a) Purpose.

To protect the health, safety, convenience and general welfare of the inhabitants of the Town of Mendon by providing for a review of plans for uses, activities, and structures which may impact the community including public health and safety, ~~impact~~ traffic, municipal services, visual and natural environment, ~~community~~ economics, and community values in the Town. Site plan review shall not be used to prohibit uses or structures exempt under M.G.L. c. 40A, §3. However, these uses or structures may be subject to reasonable regulations concerning bulk and height of structures, yard sizes, lot area, setbacks, open space, parking, and building coverage requirements, and other requirements to the extent permitted by law.

(b) ~~Applicability.~~ Site Plan Classification.

~~The following types of activities, structures, and uses require site plan review by the Planning Board, except to the extent they are used for, or accessory to, a residential single family dwelling:~~

- ~~(i) Any new building or structure.~~
- ~~(ii) Any addition or alteration to an existing building or structure which results in an increase of five hundred (500) square feet or more of gross floor area.~~
- ~~(iii) Any addition or alteration that results in one thousand (1000) square feet or more of impervious surface.~~
- ~~(iv) Any change in the existing use of land, building or structure to a non-single family residential use.~~
- ~~(v) Any use or structure that requires a special permit or variance.~~
- ~~(vi) Any land disturbance of more than 1 acre. Land disturbance shall include vegetation clearing or trimming, earth removal or relocation, and grading.~~
- ~~(vii) Any new business, commercial or industrial use or structure, or any addition, alteration or expansion of an existing business, commercial or industrial use or structure in excess of five hundred square feet, in the Residential District.~~

~~Site plan review shall not be used to prohibit uses or structures exempt under M.G.L. c. 40A, §3. However, these uses or structures may be subject to reasonable regulations concerning bulk and height of structures, yard sizes, lot area, setbacks, open space,~~

³⁹ Added 5/9/1986; AG Approved 6/26/1986; Effective 5/9/1986
Amended 6/6/2011; AG Approved 10/26/2011; Effective 6/6/2011
Amended 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014

~~parking and building coverage requirements, and other requirements to the extent permitted by law.~~

- (i) Minor Site Plan Review. The Town of Mendon requires a Minor Site Plan Review for the following:
 - (1) Any use of property listed in the Mendon Zoning Bylaws, Table A: Table of Uses, allowed by right, unless the Planning Board determines that Major Site Plan Review is required in accordance with 4.02(b)(ii) below, except the following:
 - (a) single or two-family residential dwellings, or
 - (b) by-right uses or structures accessory to single or two-family residential dwellings.
- (ii) Major Site Plan Review. The Town of Mendon requires a Major Site Plan Review for any project that includes, in whole or in part, the following types of activities, structures, and/or uses, except to the extent that they are used for, or a by-right accessory use to, a residential one- or two-family dwelling:
 - (1) Any use or structure that requires a Special Permit.
 - (2) Any project under Minor Site Plan Review that the Planning Board deems to have a significant impact on the community, requiring further analysis and consideration.
 - (3) Open Space Communities as defined and in accordance with Mendon Zoning By-Laws, Section 3.04.
 - (4) Any addition or alteration to an existing building or structure which results in an increase of five hundred (500) square feet or more gross floor area.
 - (5) Any addition or alteration that results in one thousand (1000) square feet or more of impervious surface.
 - (6) Any land disturbance of more than 1 acre, in conjunction with a Stormwater Permit. Land disturbance shall include vegetation clearing or trimming, earth removal or relocation, and grading.
 - (7) Any change in the existing use of land, building, or structure from a residential use to a non-residential use.
 - (8) Any addition of ten (10) or more parking spaces.
 - (9) Any change as may be required elsewhere in these Zoning By-Laws or the Mendon General By-Laws.
- (c) Building Permits.
 - (i) ~~No building permit can be issued for the proposed project unless an application for site plan review has been prepared in accordance with the requirements of this section and unless such application has been approved by the Planning Board.~~

- (ii) ~~A temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work which shall include a requirement for surety, in an amount and form to be determined and imposed by the Planning Board.~~

(d) Application and Review Procedure.

- (i) Submission of Site Plan Review Application. The applicant shall file with the Planning Board, ~~at a regularly scheduled meeting,~~ the completed site plan review application form, along with eight (8) copies each of the submission materials specified ~~in subparagraph h~~ below (collectively, "Site Plan Review Application").
- (ii) Reasonable fees. Any fees required, in the amounts set forth in the Planning Board Rules and Regulations, as may be amended from time to time ("Planning Board Rules and Regulations"), shall be included with the Site Plan Review Application. The Board shall also require a deposit of money sufficient to cover any additional expenses associated with the public hearing and review of the Site Plan Review Application. The Planning Board is authorized, at the expense of the applicant, to retain a registered professional engineer, architect, landscape architect, attorney, or other professional consultants to review the Site Plan Review Application and to advise the Board on any or all matters pertaining thereto.
- (iii) Application Completeness. No Site Plan Review Application shall be considered by the Planning Board until all information necessary for such review, as described herein, is fully provided, unless waivers are requested by the applicant and granted in writing by the Planning Board in accordance with paragraph Section 4.02 (i) Waiver of Technical Compliance. The Planning Board or its designated agent shall make a determination as to whether the Site Plan Review Application is complete within seven (7) business days of filing. If the Site Plan Review Application has been determined to be incomplete, the application shall be returned to the applicant either in person or by certified mail with a letter indicating that insufficient information has been provided making it impossible for the Planning Board to adequately review the application. An incomplete Site Plan Review Application shall not constitute a submittal and shall not be considered the start of any time limits within which the Board is required to act under this bylaw or M.G.L. c. 40A.
- (iv) If the submission has been determined to be complete, the applicant shall file the Site Plan Review Application with the Town Clerk. The Town Clerk shall time and date stamp said application to fix the date of submission ("Submission Date").

(e) Review by Other Boards.

Upon receiving a complete Site Plan Review Application and reasonable fees, the Planning Board shall transmit a complete set of plans each to the Select Board, Highway Department, Building Department, Police and Fire Departments, the Town Engineer, Board of Health, and such other departments, agencies, committees, boards, and town officials (collectively “Town Officials”) as the Planning Board may determine necessary. The Town Officials shall, within twenty one (21) business days of receiving said copy, report to the Planning Board on:

- (i) The adequacy of the data and procedures used by the applicant to determine the impacts of the proposed development
- (ii) The effects of the projected impacts of the proposed development on the surrounding neighborhood and the Town.
- (iii) Recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

The Planning Board shall not render a decision on the Site Plan Review Application until it has received and considered all reports from the Town Officials, or until the twenty-one (21) day period has expired, whichever is earlier.

(f) Waiver of Technical Compliance. Upon a written request from the applicant, the Planning Board, where such action is in the public interest and not inconsistent with the intent and purpose of this bylaw and the Planning Board Rules and Regulations, may waive any of the submission requirements set forth in paragraph (h) above. Such determination may be made by an affirmative vote of not less than a majority of the members of the Planning Board.

(g) Minor Site Plan Review

- (i) Submission Materials. The applicant shall submit the following materials for review as part of the Minor Site Plan Review Application. The Planning Board may at any time request, at the expense of the applicant, additional plans, studies, reports and documentation necessary to review and analyze the project and determine whether the submittal meets the criteria and intent of a Minor Site Plan Review and does not require further review as a Major Site Plan Review.
 - (1) A written description of the current use and proposed use of the property, and any proposed changes to the current physical conditions of the property, including existing and proposed structures.
 - (2) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing materials or representing the owner and/or applicant. If the applicant is not the owner, a notarized statement authorizing the applicant to act on the owner’s behalf and disclosing the applicant’s interest shall be submitted.

- (3) A site plan at a scale of one inch equals twenty feet (1" = 20'), or such other scales as may be approved by the Planning Board. The site plan shall contain the following items and information:
- (a) Name of the project, property address, assessor's map and lot number, North arrow, datum, scale of the plan, lot lines, and zoning district boundaries.
 - (b) All existing and proposed lot lines, easements, rights-of-way (including area in acres or square feet), and other encumbrances.
 - (c) All minimum dimensional requirements in the underlying district and setback distances.
 - (d) The location, dimensions, and uses of all existing and proposed buildings and structures on the property, including height and floor area.
 - (e) The location and width of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, and paths.
 - (f) Information on the location, size, and type of existing and proposed parking, loading, storage, on-site snow storage, and service areas; parking calculations based on the requirements of Section 2.03 of the Mendon Zoning By-Laws.
 - (g) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.
 - (h) The location, height, intensity, and bulb type (e.g. fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 - (i) The location, height, size, materials, content, and design of all proposed signage.
 - (j) Indicate areas where ground removal or filling is proposed and give its approximate volume in cubic yards.
 - (k) Information on the location, size and capacity of existing and proposed utility systems, including sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, best management practices (BMP's), and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments. Location, type and screening details for all waste

disposal containers shall also be shown. A landscape plan showing the limits of work, existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material.⁴⁰

- (4) A copy of all permits, approvals, variances, and applications applied for and obtained for the project and property, including applications for utility connection permits.⁴¹

(ii) Review and Procedure.

- (1) Minor site plan review for uses and structures that are permitted in the Town as of right without the need for any zoning relief shall be reviewed and acted upon at any regular meeting of the Planning Board. A public hearing shall not be required, however the Planning Board shall notify the applicant of the time and place when the Site Plan Review Application will be reviewed.
- (2) The Planning Board may deem that the project requires a Major Site Plan Review, requiring a public hearing and any additional submission materials as required by the Major Site Plan Review procedure.
- (3) The Planning Board shall render a decision on the Site Plan Review Application within forty-five (45) 45 days of the Submission Date. A written decision shall be sent to the applicant with a copy to the Building Inspector.
- (4) The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
- (5) The appeal of any minor site plan review decision of the Planning Board shall be in appeal to the Zoning Board of Appeals in accordance with Massachusetts General Law.

- (iii) Final Action. In reviewing the impacts of a proposed project, the Planning Board shall consider the information presented in the Site Plan Approval Application, all reports of the Town Officials, or acquired by the Planning Board on its own initiative or research. The Planning Board's final action, rendered in writing, shall consist of one of the following:

- (1) For Minor Site Plan review for a by-right use, the Planning Board has two options to approve: approve the site plan or approve with conditions. According to the Massachusetts Constitution, amend. art. 2, § 6, uses identified as by-right may not be denied by a Planning Board.

- through the site plan review process, nor may they be subject to onerous conditions which could constitute a barrier to approval.
- (h) Major Site Plan Review.

⁴⁰ Amended 5/8/21; AG approved 8/11/21; Effective 5/8/21

⁴¹ Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20

- (i) Submission Materials. The applicant shall submit the following materials for review as part of the Site Plan Review Application. The Planning Board may at any time request, at the expense of the applicant, additional plans, studies, reports and documentation necessary to review and analyze the project impacts and compliance with the performance criteria set forth below. Any plans required hereunder shall be prepared by qualified professionals, including a registered professional engineer and, where required by state law, a registered architect, and/or registered landscape architect.
- (1) A written description of the current use and proposed use of the property, and any proposed changes to the current physical conditions of the property, including existing and proposed structures.
 - (2) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan. If the applicant is not the owner, a notarized statement authorizing the applicant to act on the owner's behalf and disclosing the applicant's interest shall be submitted.
 - (3) A site plan at a scale of one inch equals twenty feet (1"=20'), or such other scales as may be approved by the Planning Board. The site plan shall contain the following items and information:
 - (a) Name of the project, property address, assessor's map and lot number, North arrow, datum, scale of the plan, lot lines, and zoning district boundaries.
 - (b) All existing and proposed lot lines, easements, rights-of-way (including area in acres or square feet), and other encumbrances.
 - (c) All minimum dimensional requirements in the underlying district and setback distances. The location, dimensions, and uses of all existing and proposed buildings and structures on the property, including height and floor area.
 - (d) The location and width of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, and paths.
 - (e) Information on the location, size, and type of existing and proposed parking, loading, storage, on-site snow storage, and service areas; parking calculations based on the requirements of Section 2.03 of the Mendon Zoning By-Laws, Provision of Parking.
 - (f) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.
 - (g) The location, height, intensity, and bulb type (e.g. fluorescent, sodium, incandescent) of all external lighting fixtures. The

- direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- (h) The location, height, size, materials, content, and design of all proposed signage.
 - (i) Indicate areas where ground removal or filling is proposed and give its approximate volume in cubic yards.
 - (j) Information on the location, size and capacity of existing and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, best management practices (BMP's), and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments. Location, type and screening details for all waste disposal containers shall also be shown. A landscape plan showing the limits of work, existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material.⁴²
- (4) Elevation plans prepared at a scale of 1/4 inch equals one foot showing all elevations, exterior facades, and design features (such as scale, setbacks, roof and cornice lines, and other major design elements) for all proposed structure(s) and any additions or alterations to existing structures, and indicating the type and color of materials to be used.
 - (5) An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings and roads for a distance of 200 feet from the property line. The isometric line drawing shall include names and addresses of all owners of record, lot lines, land uses, zoning districts, and the location of all structures within 200 feet of the property line. The location and name of all streets shall be shown and labeled to indicate whether the street is a public or private way.
 - (6) Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of properties, and any other information necessary to determine compliance with the Town of Mendon General By-Laws.

⁴² Amended 5/8/21; AG approved 8/11/21; Effective 5/8/21

- (7) Grading Plan depicting existing and proposed topography at a two foot contour interval. All elevations shall refer to the nearest United States Geodetic Bench Mark. The extent and location of all water sources, including ponds, lakes, brooks, streams, wetlands, flood plains and drainage retention areas. If any portion of the parcel is within a floodplain, the area will be shown and base flood elevations given.
- (8) A copy of all permits, approvals, variances and applications applied for and obtained for the project and property, including applications for utility connection permits.⁵
- (9) For large developments, those exceeding 10,000 square feet of gross floor area in total existing and new construction, or requiring more than fifteen (15) parking spaces, or for smaller developments located in high density areas, the Planning Board may also require a development impact assessment which shall include the following:
 - (a) Traffic impact assessment. The assessment shall document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic. The assessment shall include at a minimum:
 - (b) Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project property boundaries.
 - (c) Projected impact of proposed development: project peak hour and daily traffic generated by the proposed project on roads and ways in the vicinity of the development; sight lines at the intersections, driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development.
 - (d) The projected traffic flow pattern, including vehicular movements at all streets and intersections likely to be affected by the project.
 - (e) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.
 - (f) Traffic assessment data shall be no more than 2 years earlier than the Submission date unless, in the Planning Board's determination, an updated study is required due to substantial development in the area.

- (10) Environmental impact assessment. Describe the impacts of the proposed project with respect to on- site and off-site environmental quality. This assessment shall include at a minimum:
- (a) Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.
 - (b) Soil logs, percolation tests and storm runoff calculations.
 - (c) Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
 - (d) Description of proposed measures for mitigation of any potential adverse impacts identified above.
- ~~(11) Fiscal impact assessment. Describe the fiscal and economic impacts of the proposed project to the Town. This assessment shall include at a minimum:~~
- ~~(a) Projections of costs arising from increased demands on public services and infrastructure.~~
 - ~~(b) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.~~
 - ~~(c) Projections of the impacts of the proposed development on the values of adjoining properties.~~
 - ~~(d) Five-year projections of Town revenues and costs resulting from the proposed development.~~
- (12) Community impact assessment. Describe the proposed project's consistency and compatibility with the surrounding neighborhood, the character of the Town, and existing local and regional plans. This assessment shall include at a minimum:
- (a) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.

note: removed from
proposed text after
review by Town Counsel
10/20/25

- (b) Identification of impacts on significant historical properties, and districts or areas of archaeological resources (if any) in the vicinity of the proposed development.
 - (c) Evaluation of the proposed project's compatibility with existing local and regional plans.
 - (d) In large developments with buildings over 10,000 sq ft or for smaller developments in dense areas also include a development impact assessment to determine applicability of LID to site.⁴³
- (ii) Performance Criteria. All projects brought for a Major Site Plan Review shall conform to the following standards:
 - (1) Nuisances. The project shall not create any undue disturbance to the abutting properties or neighbors including excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, or glare. Without limitation, the following standards shall apply: no fire and explosion hazards shall exist such as to produce dangerous exposure to adjacent property; no objectionable odors shall be observable beyond the property line to a greater degree than those generally existing in the community; no noxious, toxic or corrosive fumes or gases shall be emitted; no residue of dust or smoke shall be detectable beyond the property line; no dangerous radiation shall be detectable at the property line; no persistent noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat frequency or shrillness; and no inherent or recurrently generated vibration shall be perceptible beyond the property line. The Planning Board may exempt temporary construction activities required for the proposed project from the above criteria.
 - (2) All exterior lighting shall be designed and installed in the following manner:
 - (a) General. Light fixtures shall be shielded so that light is directed onto the parking area and directed away from adjacent property and traffic. Lighting plans shall be designed to maintain safe light levels while avoiding off-site lighting and night sky pollution. Site lighting photometric plans shall be submitted that document light levels as measured at ground level. Light levels shall not exceed 0.5 foot-candle at property lines.
 - (b) Fixture Style. The design and style of fixtures shall be reviewed and approved by the Planning Board. Design, color, shape, style,

⁴³ Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20

- and materials shall match or complement the style and materials of the buildings served. All exterior lighting fixtures shall be “dark sky compliant” unless otherwise approved by the Planning Board.
- (c) All exterior lighting, shall be on a time-clock or photo-sensor system and shall be set so that lights are on no earlier than one hour before the start of business and turned off no later than one hour after close-of business, unless needed for safety or security purposes as specifically demonstrated by the applicant to the satisfaction of the Planning Board, in which case the lighting shall be reduced to the minimum level necessary.
 - (d) Lighting Requirements. The lighting system shall provide not less than one foot-candle overall average illumination with a minimum of .5 foot-candle on the parking surface, except lots in business zones, which may provide not less than 0.75 foot-candles overall average illumination. Higher minimum standards may be required in response to unique circumstances as determined by the Planning Board.
 - (e) Height. No lighting located on property abutting the residence district or a lot used for residential purposes shall exceed twenty feet in height. In all other locations not covered by the above, lighting shall not exceed the zoning district standard for the height of structures established by the Town’s by-laws.
- (3) Electric, telephone, and other utility lines shall be placed underground where physically and environmentally feasible.
 - (4) Exposed storage areas, exposed machinery installations, service areas, loading areas, utility equipment, and similar accessory areas and structures shall be designed with such setbacks, screen plantings, or other screening methods, to prevent there being a hazard or being incongruous with the existing or contemplated environment and surrounding properties.
 - (5) Stormwater management systems shall be designed and maintained to discharge drainage from a site at a rate of flow equal to or less than pre-development conditions for all storm events. There shall be no adverse impacts to abutting properties from any change in runoff including erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells.
 - (6) Insofar as possible, low impact development best management practice shall be utilized such that the sites natural features and environmentally sensitive areas, such as wetlands, native vegetation, mature trees, slopes,

- natural drainage courses, permeable soils, floodplains, woodlands and soils, are preserved.
- (7) Groundwater recharge shall be maximized and ground water quality shall be protected. Adequate methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater shall be provided. This includes minimizing soil erosion both during and after construction.
- (8) Snow storage areas shall not interfere with sight distances at points of ingress/egress to the site or pedestrian/vehicle circulation, nor shall it adversely impact surrounding water bodies streams, wetlands, or other resource areas as defined in M.G.L. c.131, §40, as amended.
- (9) Proposed development shall be related harmoniously to the natural landscape and terrain, the surrounding townscape, and to the use, scale and siting of existing structures in the vicinity. The Planning Board may request use of similar building scale or mass, consistent use of façade materials, similar ground level detailing, color or signage, functional systems such as driveway or pedestrian way surfaces, signage, or landscaping, framing of outdoor open space and linkages, and the recognition of the importance of various buildings and features on the site. If the surrounding townscape is undeveloped or does not reflect the character of the Town, the Planning Board may direct the applicant to incorporate specific design and siting features as determined by the Planning Board to be appropriate. If the surrounding townscape is undeveloped or does not reflect the character of the Town, the Planning Board may direct the applicant to incorporate specific design and siting features as determined by the Planning Board to be appropriate. The proposed project shall be integrated into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.
- (10) The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required.
- (11) Upland Areas. In areas of greater than fifteen percent (15%) slope or upon hilltops and ridgelines, the following objectives should be met, to the greatest extent feasible:
- (a) Potential building sites are located so the tops of structures will be below the ridgeline or hilltop or, if the site is heavily wooded, the

tops of structures will be lower than the existing canopy height of trees on the ridge or hilltop.

(b) The removal of native vegetation is minimized.

(c) Grading or earth-moving is planned and executed in such a manner that the final contours are consistent with the existing terrain, both on and adjacent to the site.

(12) A landscaped strip of land shall be provided along the length of each property line bordering a street or way, or bordering a lot used for residential purposes, for a depth of six feet. The Planning Board, after careful review of the physical characteristics of the land involved, and the impacts of the proposed project, may require an increase in the width of said landscaped strip. The applicant shall specifically note the removal of any tree in excess of six inches in diameter (as measured four feet from the ground) on its plans, and any such proposed removal shall require the Planning Board's approval, which may be withheld. At least 5% of the interior area of that portion of the lot used for parking and loading shall be landscaped.

(13) With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, driveways, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls), width of interior drives, and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of the proposed buildings and structures and the neighboring properties.

(14) The proposed project shall conform with the provisions of the bylaws and any rules and regulations of the Town, the general laws of Massachusetts and all applicable rules and regulations of local, state and federal agencies.

(iii) Review and Procedure.

(1) The Planning Board shall hold a public hearing on the Major Site Plan Review Application within sixty-five (65) days of the Submission Date.

(2) In instances where the proposal requires both a Special Permit and Site Plan Review, and the Planning Board is the Special Permit Granting Authority, the applicant may submit a single application for review provided it meets both the Special Permit application requirements of Section 1.06 and the Site Plan Review submission requirements set forth herein. If the joint application is complete, the Planning Board shall hold concurrent hearings on the Special Permit and Site Plan review. In such

- cases, M.G.L c. 40A, §§ 9 & 11 shall govern the time frames and manner in which the Board is required to act.
- (3) The Planning Board shall render its decision on the Site Plan Review Application within ninety (90) 90 days of the close of the public hearing. A written decision shall be sent to the applicant with a copy to the Building Inspector.
 - (4) The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
 - (5) The appeal of any Major Site Plan Review decision of the Planning Board hereunder shall be made in accordance with the provisions of M.G.L. c. 40A, §17.
- (iv) Final Action. In reviewing the impacts of a proposed project, the Planning Board shall consider the information presented in the Site Plan Approval Application, all reports of the Town Officials, or acquired by the Planning Board on its own initiative or research. The Planning Board's final action, rendered in writing, shall consist of one of the following:
- (1) Approval of the site plan based upon a finding that the proposed site plan constitutes a suitable development and is in compliance with the site plan review criteria set forth herein;
 - (2) Approval of the site plan, subject to any conditions, modifications and restrictions as required by the Board at the expense of the applicant to promote the objectives of site plan review, mitigate impacts associated with the proposed project, and to ensure compliance with the performance criteria set forth herein;
 - (3) Disapproval based on a finding that the site plan fails to meet the performance criteria set forth herein; or
 - (4) Disapproval based on a finding that the site plan is so intrusive on the needs of the public in one regulated aspect and no form of reasonable conditions can be devised to satisfy the problem with the plan.
- (i) ~~Review and Procedure~~
- (i) ~~Administrative Review for As of Right Uses and Structures.~~
 - (1) ~~Site plan review for uses and structures that are permitted in the Town as of right without the need for any zoning relief (i.e. special permit, variance, amendment, waiver, or other discretionary approval) shall be reviewed and acted upon at any regular meeting of the Planning Board. A public hearing shall not be required, however the Planning Board shall notify the applicant and the immediate abutters of the time and place when the Site Plan Review Application will be reviewed.~~

- (2) The Planning Board shall render a decision on the Site Plan Review Application within 45 days of the Submission Date. A written decision shall be sent to the applicant with a copy to the Building Inspector.
 - (3) The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
 - (4) The appeal of any administrative site plan review decision of the Planning Board shall be in
- (ii) Site Plan Review.
 - (1) For all uses and structures that are not permitted as of right, the Planning Board shall hold a public hearing on the Site Plan Review Application within 65 days after the Submission Date.
 - (2) In instances where the use or structure requires both a Special Permit and Site Plan Review, and the Planning Board is the special permit granting authority, the applicant may submit a single application for review provided it meets both the Special Permit application requirements of Section 1.06 and the Site Plan Review submission requirements set forth herein. If the joint application is complete, the Planning Board shall hold concurrent hearings on the Special Permit and Site Plan Review. In such cases, M.G.L. c. 40A, §§ 9 and 11 shall govern the time frames and manner in which the Board is required to act.
 - (3) The Planning Board shall render its decision on the Site Plan Review Application within 90 days of the close of the public hearing. A written decision shall be sent to the applicant with a copy to the Building Inspector.
 - (4) The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
 - (5) The appeal of any decision of the Planning Board hereunder shall be made in accordance with the provisions of M.G.L. c. 40A, §17.
- (j) Final Action.

In reviewing the impacts of a proposed project, the Planning Board shall consider the information presented in the Site Plan Approval Application, all reports of the Town Officials, or acquired by the Planning Board on its own initiative or research. The Planning Board's final action, rendered in writing, shall consist of one of the following:

 - (i) Approval of the site plan based upon a finding that the proposed site plan constitutes a suitable development and is in compliance with the site plan review criteria set forth herein;
 - (ii) Approval of the site plan, subject to any conditions, modifications and restrictions as required by the Board at the expense of the applicant to promote the objectives

- ~~of site plan review, mitigate impacts associated with the proposed project, and to ensure compliance with the performance criteria set forth herein;~~
- (iii) ~~Disapproval of the site plan based upon a determination that the use is not allowed as of right or, for special permit uses, if the special permit for the particular use is denied;~~
 - (iv) ~~Disapproval based on a finding that the site plan fails to meet the performance criteria set forth herein; or~~
 - (v) ~~Disapproval based on a finding that the site plan is so intrusive on the needs of the public in one regulated aspect and no form of reasonable conditions can be devised to satisfy the problem with the plan.~~

~~Any approval of the site plan granted shall require the majority vote of the Planning Board.~~

(k) ~~Submission Materials.~~

~~The applicant shall submit the following materials for review as part of the Site Plan Review Application. The Planning Board may at any time request, at the expense of the applicant, additional plans, studies, reports and documentation necessary to review and analyze the project impacts and compliance with the performance criteria set forth in paragraph 0 below. Any plans required hereunder shall be prepared by qualified professionals, including a registered professional engineer and, where required by state law, a registered architect, and/or registered landscape architect.~~

- (i) ~~A site plan at a scale of one inch equals twenty feet (1"=20'), or such other scales as may be approved by the Planning Board. The site plan shall contain the following items and information:~~
 - (1) ~~Name of the project, property address, assessor's map and lot number, North arrow, datum, scale of the plan, lot lines, and zoning district boundaries.~~
 - (2) ~~Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan. If the applicant is not the owner, a notarized statement authorizing the applicant to act on the owner's behalf and disclosing the applicant's interest shall be submitted~~
 - (3) ~~All existing and proposed lot lines, easements, rights of way (including area in acres or square feet), and other encumbrances.~~
 - (4) ~~All minimum dimensional requirements in the underlying district and setback distances.~~
 - (5) ~~The location, dimensions, and uses of all existing and proposed buildings and structures on the property, including height and floor area.~~
 - (6) ~~The location and width of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, and paths.~~

- ~~(7) Information on the location, size and type of existing and proposed parking, loading, storage, on-site snow storage, and service areas; parking calculations based on the requirements of Section 2.03 of the Mendon Zoning By Laws, Provision of Parking.~~
- ~~(8) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.~~
- ~~(9) The location, height, intensity, and bulb type (e.g. fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.~~
- ~~(10) The location, height, size, materials, content, and design of all proposed signage.~~
- ~~(11) Indicate areas where ground removal or filling is proposed and give its approximate volume in cubic yards.~~
- ~~(12) Information on the location, size and capacity of existing and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, best management practices (BMP's), and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments. Location, type and screening details for all waste disposal containers shall also be shown. A landscape plan showing the limits of work, existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material.~~

Amended 5/8/21; AG approved 8/11/21; Effective 5/8/21
- (ii) Elevation plans prepared at a scale of 1/4 inch equals one foot showing all elevations, exterior facades, and design features (such as scale, setbacks, roof and cornice lines, and other major design elements) for all proposed structure(s) and any additions or alterations to existing structures, and indicating the type and color of materials to be used.
- (iii) An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings and roads for a distance of 200 feet from the property line. The isometric line drawing shall include names and addresses of all owners of record, lot lines, land uses, zoning districts, and the location of all structures within 200 feet of the property line. The location and name of all streets shall be shown and labeled to indicate whether the street is a public or private way.

- (iv) ~~Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of properties, and any other information necessary to determine compliance with the Town of Mendon By Laws, Chapter XXVI, Storm water Management By Law.~~
- (v) ~~Plan depicting existing and proposed topography at a two foot contour interval. All elevations shall refer to the nearest United States Geodetic Bench Mark. The extent and location of all water sources, including ponds, lakes, brooks, streams, wetlands, flood plains and drainage retention areas. If any portion of the parcel is within the one hundred year flood plain, the area will be shown and base flood elevations given.~~
- (vi) ~~A copy of all permits, approvals, variances and applications applied for and obtained for the project and property, including applications for utility connection permits. Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20~~
- (vii) ~~For large developments, those exceeding 10,000 square feet of gross floor area or requiring more than 15 parking spaces, or for smaller developments located in high density areas, the Planning Board may also require a development impact assessment which shall include the following:~~
 - (1) ~~Traffic impact assessment. The assessment shall document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic. The assessment shall include at a minimum:~~
 - (a) ~~Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project property boundaries.~~
 - (b) ~~Projected impact of proposed development: project peak hour and daily traffic generated by the proposed project on roads and ways in the vicinity of the development; sight lines at the intersections, driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development.~~
 - (c) ~~The projected traffic flow pattern, including vehicular movements at all streets and intersections likely to be affected by the project.~~
 - (d) ~~The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.~~
 - (e) ~~Traffic assessment data shall be no more than 2 years earlier than the Submission date unless, in the Planning Board's~~

~~determination, an updated study is required due to substantial development in the area.~~

- ~~(2) Environmental impact assessment. Describe the impacts of the proposed project with respect to on-site and off-site environmental quality. This assessment shall include at a minimum:~~
 - ~~(a) Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.~~
 - ~~(b) Soil logs, percolation tests and storm runoff calculations.~~
 - ~~(c) Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.~~
 - ~~(d) Description of proposed measures for mitigation of any potential adverse impacts identified above.~~
- ~~(3) Fiscal impact assessment. Describe the fiscal and economic impacts of the proposed project to the Town. This assessment shall include at a minimum:~~
 - ~~(a) Projections of costs arising from increased demands on public services and infrastructure.~~
 - ~~(b) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.~~
 - ~~(c) Projections of the impacts of the proposed development on the values of adjoining properties.~~
 - ~~(d) Five year projections of Town revenues and costs resulting from the proposed development.~~
- ~~(4) Community impact assessment. Describe the proposed project's consistency and compatibility with the surrounding neighborhood, the character of the Town, and existing local and regional plans. This assessment shall include at a minimum:~~
 - ~~(a) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and~~

~~configuration of proposed structures, parking areas and open space with respect to neighboring properties.~~

- ~~(b) Identification of impacts on significant historical properties, and districts or areas of archaeological resources (if any) in the vicinity of the proposed development.~~
- ~~(c) Evaluation of the proposed project's compatibility with existing local and regional plans.~~
- ~~(d) In large developments with buildings over 10,000 sq ft or for smaller developments in dense areas also include a development impact assessment to determine applicability of LID to site.~~

~~Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20~~

(l) ~~Waiver of Technical Compliance.~~

~~Upon a written request from the applicant, the Planning Board, where such action is in the public interest and not inconsistent with the intent and purpose of this bylaw and the Planning Board Rules and Regulations, may waive any of the submission requirements set forth in paragraph (h) above. Such determination may be made by an affirmative vote of not less than a majority of the members of the Planning Board.~~

(m) ~~Performance Criteria.~~

~~All proposed projects subject to site plan review shall conform to the following standards:~~

- ~~(i) Nuisances. The project shall not create any undue disturbance to the abutting properties or neighbors including excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, or glare. Without limitation, the following standards shall apply: no fire and explosion hazards shall exist such as to produce dangerous exposure to adjacent property; no objectionable odors shall be observable beyond the property line to a greater degree than those generally existing in the community; no noxious, toxic or corrosive fumes or gases shall be emitted; no residue of dust or smoke shall be detectable beyond the property line; no dangerous radiation shall be detectable at the property line; no persistent noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat frequency or shrillness; and no inherent or recurrently generated vibration shall be perceptible beyond the property line. The Planning Board may exempt temporary construction activities required for the proposed project from the above criteria.~~
- ~~(ii) All exterior lighting shall be designed and installed in the following manner:
 - ~~(1) General. Light fixtures shall be shielded so that light is directed onto the parking area and directed away from adjacent property and traffic.~~~~

~~Lighting plans shall be designed to maintain safe light levels while avoiding off-site lighting and night sky pollution. Site lighting photometric plans shall be submitted that document light levels as measured at ground level. Light levels shall not exceed 0.5 foot candle at property lines.~~

- ~~(2) Fixture Style. The design and style of fixtures shall be reviewed and approved by the Planning Board. Design, color, shape, style, and materials shall match or complement the style and materials of the buildings served. All exterior lighting fixtures shall be “dark sky compliant” unless otherwise approved by the Planning Board.~~
 - ~~(3) All exterior lighting, shall be on a time clock or photo-sensor system and shall be set so that lights are on no earlier than one hour before the start of business and turned off no later than one hour after close of business, unless needed for safety or security purposes as specifically demonstrated by the applicant to the satisfaction of the Planning Board, in which case the lighting shall be reduced to the minimum level necessary.~~
 - ~~(4) Lighting Requirements. The lighting system shall provide not less than one foot candle overall average illumination with a minimum of .5 foot candle on the parking surface, except lots in business zones, which may provide not less than 0.75 foot candles overall average illumination. Higher minimum standards may be required in response to unique circumstances as determined by the Planning Board.~~
 - ~~(5) Height. No lighting located on property abutting the residence district or a lot used for residential purposes shall exceed twenty feet in height. In all other locations not covered by the above, lighting shall not exceed the zoning district standard for the height of structures established by the Town’s bylaws.~~
- (iii) ~~Electric, telephone, and other utility lines shall be placed underground where physically and environmentally feasible.~~
 - (iv) ~~Exposed storage areas, exposed machinery installations, service areas, loading areas, utility equipment, and similar accessory areas and structures shall be designed with such setbacks, screen plantings, or other screening methods, to prevent their being a hazard or being incongruous with the existing or contemplated environment and surrounding properties.~~
 - (v) ~~Storm water management systems shall be designed and maintained to discharge drainage from a site at a rate of flow equal to or less than pre-development conditions for all storm events. There shall be no adverse impacts to abutting properties from any change in runoff including erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells.~~

- (vi) ~~Insofar as possible, low impact development best management practice shall be utilized such that the sites natural features and environmentally sensitive areas, such as wetlands, native vegetation, mature trees, slopes, natural drainage courses, permeable soils, floodplains, woodlands and soils, are preserved.~~
- (vii) ~~Groundwater recharge shall be maximized and ground water quality shall be protected. Adequate methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater shall be provided. This includes minimizing soil erosion both during and after construction.~~
- (viii) ~~Snow storage areas shall not interfere with sight distances at points of ingress/egress to the site or pedestrian/vehicle circulation, nor shall it adversely impact surrounding water bodies streams, wetlands, or other resource areas as defined in M.G.L. c.131, §40, as amended.~~
- (ix) ~~Proposed development shall be related harmoniously to the natural landscape and terrain, the surrounding townscape, and to the use, scale and siting of existing structures in the vicinity. The Planning Board may request use of similar building scale or mass, consistent use of façade materials, similar ground level detailing, color or signage, functional systems such as driveway or pedestrian way surfaces, signage, or landscaping, framing of outdoor open space and linkages, and the recognition of the importance of various buildings and features on the site. If the surrounding townscape is undeveloped or does not reflect the character of the Town, the Planning Board may direct the applicant to incorporate specific design and siting features as determined by the Planning Board to be appropriate. If the surrounding townscape is undeveloped or does not reflect the character of the Town, the Planning Board may direct the applicant to incorporate specific design and siting features as determined by the Planning Board to be appropriate. The proposed project shall be integrated into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.~~
- (x) ~~The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required.~~
- (xi) ~~A landscaped strip of land shall be provided along the length of each property line bordering a street or way, or bordering a lot used for residential purposes, for a depth of six feet. The Planning Board, after careful review of the physical characteristics of the land involved, and the impacts of the proposed project, may require an increase in the width of said landscaped strip. The applicant shall specifically note the removal of any tree in excess of six inches in diameter (as measured four feet from the ground) on its plans, and any such proposed removal shall require the Planning Board's approval, which may be withheld. At least 5%~~

~~of the interior area of that portion of the lot used for parking and loading shall be landscaped.~~

- ~~(xii) With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, driveways, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls), width of interior drives, and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of the proposed buildings and structures and the neighboring properties.~~
- ~~(xiii) The proposed project shall conform with the provisions of the bylaws and any rules and regulations of the Town, the general laws of Massachusetts and all applicable rules and regulations of local, state and federal agencies.~~

(n) Conditions, limitations and safeguards.

In granting approval of an application, the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:

- (i) Controls on the location and type of access to the site.
- (ii) Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage and other public facilities which are likely to be affected by the proposed development.
- (iii) Requirements of donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widening or improvements.
- (iv) Requirements for securing the performance of all work, including proposed off-site improvements, and stated conditions of approval, by either or both of the following methods:
 - (1) A performance bond, a deposit of money, negotiable securities or pass book in an amount determined by the Planning Board to be sufficient; and/or
 - (2) A covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
- (v) Reductions in the scale of the proposed development, including reductions in height, floor area or lot coverage.
- (vi) Conditions to promote the objectives of site plan review, mitigate impacts associated with the proposed project, and to ensure compliance with the performance criteria set forth herein.
- (vii) Building Permits.

- (1) No building permit can be issued for the proposed project that is subject to Site Plan Review unless an application for site plan review has been prepared in accordance with the requirements of this section and unless such application has been approved by the Planning Board.
- (2) A temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work which shall include a requirement for surety, in an amount and form to be determined and imposed by the Planning Board.

(o) Modification of approved site plans.

Any changes to an approved site plan must be submitted to the Planning Board with a written description of the proposed modifications and reasons for such modification. No changes to an approved site plan shall be authorized unless (i) the Planning Board makes a written determination that the changes are minor and do not require a public hearing or (2) the changes are approved at a public hearing held in accordance with and subject to the requirements of this section. A copy of the Planning Board's determination and revised plans shall be filed with the Town Clerk and the Building Inspector.

(p) Inspection

The Planning Board is authorized to conduct inspections and enforce pre-construction erosion control measures, as well as conduct inspections of best management practices (BMP's) at the following stages:

- (i) Initial Site Inspection: prior to approval of any Permit;
- (ii) Erosion Control Inspection: prior to earth disturbing activities but after installation of all approved erosion and sedimentation controls.
- (iii) Stormwater Management System Inspection: prior to backfilling of any portion of a stormwater management system, including underground drainage or stormwater conveyance structures.
- (iv) Periodic Inspections: throughout land disturbing activities, until as-builts are received.
- (v) Final Inspection: to confirm effectiveness in an actual storm event that creates runoff. If the inspector finds the system is not functioning properly, the applicant shall repair or modify the system to be in conformance with these by-laws.

(q) Enforcement.

- (i) It shall be the duty of the Building Inspector to enforce the conditions of the site plan approval. However, the Planning Board may require, as a condition of approval, that its consulting engineer oversee construction of certain aspects of the development to ensure compliance with the approved site plan and decision.

- (ii) The Planning Board may suspend any permit or license when work is not performed as required.
- (iii) Any approval issued under this section shall lapse within eighteen months if a substantial use or construction thereof has not commenced and continued through to completion expeditiously, except for good cause; provided, however, that the Planning Board in its discretion and upon written application by the applicant of such rights may extend the time for an additional period not to exceed eighteen months; and provided, further, that the application for such extension is filed with the Planning Board prior to the expiration of the initial eighteen month period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the initial eighteen month period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section. The time required to pursue and await determination of a judicial appeal pursuant to M.G.L. c. 40A shall not be included within the initial eighteen month time limit.
- (iv) Planning Board Rules and Regulations. The Planning Board may periodically adopt and from time to time amend the Planning Board Rules and Regulations to include reasonable rules and regulations for the administration of site plan review. The Planning Board may also adopt reasonable administrative fees and technical review fees for site plan review.
- (v) Severability. If any section or portion of this bylaw is ruled invalid, such ruling shall not affect the validity of the remainder of the bylaw, which provisions shall remain in full force and effect.

~~Added 5/9/1986; AG Approved 6/26/1986; Effective 5/9/1986~~

~~Amended 6/6/2011; AG Approved 10/26/2011; Effective 6/6/2011~~

~~Amended 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~