

Date Filed: _____
 Filed by: _____
 Review Date(s): _____
 Completion Date: _____ Planning Board Date: _____
 Project Description: _____
 _____ Square Footage: _____

XV-D Review Procedure

- a. Building Commissioner review
 Site Plan Review Required _____
 Site Plan Review Not Required _____
- b. Pre-Application conference
 Yes _____ No _____
- c. Application for site plan review – Major Projects _____
 d. Application for site plan review – Minor projects _____

XV-E Materials for review.

Professional Preparation

- Plans to bear the signature, seal and date of a registered architect, landscape architect, or professional engineer on all documents and plans.
- Plans to be drawn on 24" x 36" plan sheets at a minimum scale of 1" = 40'.
- Elevations, drawings, where required, drawn at a minimum scale of 1" = 8'.
- Architectural elevations of all sides of all new buildings and of all existing buildings, which are proposed to be altered in any way. Drawn at a minimum scale of 1/8" = 1'.

a. Submission requirements

1. Location and Boundaries

- Plans show the location and boundaries of the lot, zoning district, adjacent streets or ways, applicable information from Section VI, Dimensional Controls, the location, and owners' names of all adjacent properties.
- Plans to show all deeds of easement, right-of-ways, covenants and any other agreements affecting the use of the site.

2. Structures

- Plans show the existing and proposed structures, including dimensions, footprint, and total gross floor area, number of stories, floor elevations, and building height.

3. Signage

- Plans show the location, dimensions, height, lighting, and other characteristics of all existing and proposed signs.

4. Landscaping

- Plans show the proposed landscape features including the locations and a description of buffer areas, screening, fencing, and a planting plan.
- Plans signed by either a registered landscape architect or a licensed plant nursery person.

5. Traffic

- Plans show pedestrian, bicycle, and vehicular traffic flow patterns and show adequate access to and from the site and adequate circulation within the site.

6. Parking

- Plans show the location of parking and loading areas, driveways, access and egress points, bicycle racks, and bus stops or drop-off areas.

7. Public Access

- Plans show the location and description of proposed public access areas, including parks, conservation areas, gardens, bikeways, pathways or sidewalk areas. Riverfront sites shall include indications of compliance with state and federal regulations.

8. Lighting

- Plans show the existing and proposed exterior lighting, including locations, lighting source, and fixture types. Photometric analysis of proposed lighting may also be required.

9. Topography

- Plans show the existing and proposed topography of the site including contours at two-foot intervals.
- Plans show the location of stonewall, wetlands streams, water bodies, aquifers, aquifer recharge areas, drainage swales, areas subject to flooding, and unique natural land features, trees over eight (8) inches in caliper, and the location of the tree line.

10. Water and Waste Disposal

- Plans show the locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10- and 100-year storm events), utilities, refuse, and other waste disposal methods.

b. Narrative submittals – Major projects: For major projects the following the materials or information as listed below may be required on or before the Public Hearing. Not more than 30 days from the date of commencement of the public hearing

1. Surface and groundwater Protection

- A report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water, and water tables.

2. Soils

- A report on the potential erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. High intensity soil mapping, i.e., test borings and analysis.

3. Environmental and Community Impact Analysis

- Environmental and community impact analysis: For projects with significant environmental impact to wetlands, floodplains, or other sensitive resources a report following the submission requirements of section 5.6 of the Newburyport Subdivision Rules and Regulations, including the following:
 - i. a report on the relationship of the proposed development to the natural and man-made environment,
Yes _____ No _____
 - ii. A report on the compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. (An EIR required through the MEPA process, which addresses the planning board's concerns, may be substituted in lieu of this report.)
Yes _____ No _____

4. Traffic Impacts

- A report on existing pedestrian and vehicular traffic volume, composition, peak hour levels, and existing street and sidewalk capabilities, analysis of existing and resulting level of services (LOS) for the following:
 - i. The nearest and/or most impacted public roadway intersection.
Yes _____ No _____
 - ii. The estimated average daily traffic generation, including composition and peak hour levels.
Yes _____ No _____
 - iii. The directional flows resulting from the proposed development.
Yes _____ No _____
 - iv. Any proposed methods to mitigate the estimated traffic impact such as promoting the use of public transportation, or other appropriate means.
Yes _____ No _____
 - v. The methodology and sources used to derive existing data and estimations.
Yes _____ No _____
 - vi. The feasibility of traffic calming measures such as textured crosswalks, bike lanes, roundabouts, rumble strips, street trees, or bulb-outs.
Yes _____ No _____

- vii. A detailed traffic access and impact study may also be required for the project. Fee for Outside consultant for a traffic review may be required.

Yes _____ No _____

5. Architectural style: Plans and other drawings shall include architectural elevations of all sides.

- i. Plans to show the exterior material, including trim, and colors.

Yes _____ No _____

- ii. Plans to show the type, pitch, and material of roofs.

Yes _____ No _____

- iii. Plans to show the size, type, and spacing of windows, doors and other openings.

Yes _____ No _____

- iv. Plans to show the size, location, colors, and copy of signs affixed to or hanging from the building.

Yes _____ No _____

- v. Plans to show the relationship in massing, scale, and height to other existing structures in the immediate vicinity.

Yes _____ No _____

- vi. Plans to show the elevations or renderings of new construction, renovation or expansions (or model may be provided at the option of the applicant).

Yes _____ No _____

- vii. Plans to show the cross-sections of the site and buildings.

Yes _____ No _____

- viii. Product literature on proposed light fixtures.

Yes _____ No _____

6. Other permits required

- i. All completed or pending actions of the zoning board of appeals relative to the application, including an estimated schedule of application and approval.

Yes _____ No _____

- ii. A listing of state and federal permits, licenses, and approvals necessary, including chapter 91.

Yes _____ No _____

XV-F Waiver of submission requirements

1. Waiver requests shall be made by the applicant in writing with stated reasons for requesting the waiver(s).

Yes _____ No _____

XV-G Site plan review criteria. In reviewing and evaluating the site plan, and in making a final determination regarding site plan approval, the planning board shall require that the site plan promote the objectives set forth in sections XV-B and G, and comply with the development and performance standards contained in section XV-H. These standards embrace the following criteria:

a. *Community character:* The proposed development:

1. Minimizes obstruction of scenic views from publicly accessible locations;
Yes _____ No _____
2. Minimizes impacts to important natural or historical features;
Yes _____ No _____
3. Screens objectionable features such as large blank walls, open dumpster, loading or storage areas, from neighboring properties and roadways;
Yes _____ No _____
4. Is in harmony with the architectural style of the adjacent buildings and immediate neighborhood;
Yes _____ No _____
5. If located within the National Historic District, is consistent with the architectural style, scale, density, massing and setbacks in the district;
Yes _____ No _____
6. Promotes a design and architectural consistency regarding the architectural value and significance of the site, building or structure, the general design, arrangement and texture, materials and color of the features involved and the relation of each feature to similar features of building and structures in the immediate neighborhood and surrounding area;
Yes _____ No _____
7. Is appropriate in regards to the size and shape of the buildings or structures both in relation to the land area upon which the building or structure is situated and to the adjacent buildings and structures within the neighborhood.
Yes _____ No _____

b. *Traffic, parking, and public access:* The proposed development:

1. Minimizes vehicular traffic and safety impacts of the proposed development on adjacent highways or roads;
Yes _____ No _____
2. Maximizes the convenience and safety of vehicular, bicycle, and pedestrian movement within the neighborhood and site;
Yes _____ No _____
3. Minimizes adverse impacts on neighborhood on/off-street parking and includes incentives for the use of alternatives to single-occupant vehicles.

Yes _____ No _____

c. *Health:* The proposed development:

1. Minimizes adverse air-quality impacts, noise, glare, and odors;

Yes _____ No _____

2. Provides for appropriate handling and disposal of hazardous materials and transmissions.

Yes _____ No _____

d. *Public services and utilities:* The proposed development:

1. Is served with adequate water supply, wastewater systems, and solid waste disposal systems;

Yes _____ No _____

2. Is within the capacity of the city's infrastructure as defined by the water, sewer and DPW departments;

Yes _____ No _____

3. Includes measures to prevent pollution of surface or groundwater, minimizing erosion and sedimentation, as well as measures to prevent changes in groundwater levels, increased run-off, and potential for flooding;

Yes _____ No _____

4. Demonstrates an effort to conserve energy and water.

Yes _____ No _____

e. *Land use planning:* The proposed development:

1. Is consistent with the land-use goals of the city's master plan.

Yes _____ No _____

f. *Open space and environmental protection:* The proposed development:

1. Minimizes adverse impacts to open space usage and retention and is integrated into the natural landscape. Minimizes adverse environmental impacts to such features as wetlands, floodplains, and aquifer recharge areas and minimizes tree, vegetation, and soil removal, and grade changes;

Yes _____ No _____

2. Proposes a landscape design that favors native and drought-tolerant species and avoids invasive plants.

Yes _____ No _____

XV-H Development and performance standards.

In order to receive site plan approval, all projects or uses must demonstrate compliance with the following:

- a. *Pedestrian and vehicular access and traffic impacts:* Applicants must demonstrate that the project will minimize pedestrian and vehicular traffic and safety impacts on city

roads. In the case of multi-tenant properties, these requirements are directed at the immediate vicinity of the proposed renovation, addition, expansion, or new building rather than the site as a whole.

1. One access driveway per lot shall be permitted as a matter of right, except, the planning board may, in certain circumstances, require additional driveways as part of the site plan approval process where the access is shared or the project has frontage on two separate streets. To the extent feasible, access to businesses shall be provided via one of the following:
 - i. Access via a common driveway serving adjacent lots or premises;
Yes _____ No _____
 - ii. Access via an existing side street;
Yes _____ No _____
 - iii. Access via a cul-de-sac or loop road shared by adjacent lots or premises.
Yes _____ No _____
2. All proposed curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width provided however; the board may require a curb cut to be up to 30 feet in width for commercial or industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets must provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.
Yes _____ No _____
3. All proposed driveways shall be designed to afford pedestrians, bicyclists, and motorists exiting to public ways with safe sight distance. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.
Yes _____ No _____
4. The proposed development shall assure safe interior circulation by separating pedestrian and vehicular traffic within its site.
Yes _____ No _____
5. All roadways and sidewalk construction within the site shall comply with sections 6.8, 6.9 (except for all I districts), 6.10 and 6.11, of the Newburyport Subdivision Rules and Regulations.
Yes _____ No _____
6. Sidewalks, crosswalks, walkways, bike racks, or other pedestrian access may be required to allow access to adjacent properties and between individual businesses within a development.
Yes _____ No _____
7. If the property abuts a public bikeway/right-of-way, an improved access route to the bikeway may be requested.
Yes _____ No _____

8. Unless a variance is granted by the ZBA pertaining to the requirements of section VII, proposed projects or uses must comply with the parking and off-street loading requirements in section VII.

Yes _____ No _____

9. Where feasible, parking areas shall be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The planning board may require alternative parking lot layouts. Except where infeasible or inappropriate, all parking lots shall be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses.

Yes _____ No _____

10. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, no parking or loading shall be permitted within the required front yard setback.

Yes _____ No _____

11. Traffic calming measures such as crosswalks, bike lanes, rumble strips, and landscaped islands may be required.

Yes _____ No _____

12. All off-site construction on state roadways shall comply with the Department of Massachusetts Highway Department (MHD) standards, specifications, or special conditions as applicable as well as requirements listed under CMR 521 as amended for the Massachusetts Architectural Access Board (MAAB) unless waived by MHD and or MAAB.

Yes _____ No _____

- b. *Site plan and architectural design:* The following guidelines are for multi-family residential, institutional, and commercial building design. These guidelines will be used by the board to establish a framework for compatible infill or redevelopment. The purpose of these guidelines are to enhance and strengthen Newburyport's distinct community character as a traditional New England urban village with a diverse architectural heritage that evolved over many historical periods. This heritage includes many distinctive brick industrial-era mill buildings as well as a wide array of Federalist, Colonial, Georgian, Greek Revival, Victorian, and other architectural styles.

Recognizing the historical importance of consistency in basic design elements such as building materials, massing, scale and articulation, applicants are strongly encouraged to incorporate these basic design elements in the design for new construction and renovation of older buildings. In this manner, the unique features of each neighborhood can be enhanced to promote a design and architectural variety that strengthens the overall character of Newburyport.

In determining the appropriateness of buildings, the basic design elements of proposed buildings should be evaluated in relation to existing adjacent or surrounding buildings. In most cases, to be considered appropriate, new buildings shall respect the architectural character of adjacent buildings or, in the case of multi-tenant commercial

centers, the overall architectural theme of the center. Importantly, when new buildings or additions are considered compatibility rather than conformity is desired.

The planning board will use the basic design elements listed below when reviewing applications for new developments or renovations for non-industrial buildings:

1. Height;
Yes _____ No _____
2. Bulk and general massing (footprint, shape, articulation, or detail);
Yes _____ No _____
3. Major divisions or rhythms of the facade (height and width proportions, building lines, etc.). Where appropriate large continuous buildings shall be avoided and massing of buildings should be broken or staggered to reflect the historic scale of existing buildings and traditional development patterns in Newburyport;
Yes _____ No _____
4. Rhythm of openings (i.e. # windows, spacing, window and doors relationships);
Yes _____ No _____
5. Roof treatments (slope, articulation, surface). Rooftop mechanical equipment shall be screened from view by roof forms or other appropriate screening devices;
Yes _____ No _____
6. Materials, colors, and textures of building and signage. In general, natural materials such as stone, brick, wood siding, shingles, slate, etc. are preferred to industrial or artificial materials such as exposed concrete, anodized or galvanized metal, tinted glass, plastics, vinyl, etc.;;
Yes _____ No _____
7. General architectural character: The planning board shall not consider interior arrangement or architectural features not subject to public view from a public way or public property. Building design shall be compatible with the vernacular structure, historic character, and scale of buildings in the surrounding neighborhood including the following design elements:
 - i. Horizontal or vertical emphasis of building;
Yes _____ No _____
 - ii. Scale (height and width proportions);
Yes _____ No _____
 - iii. Stylistic features and themes (i.e. porches, colonnades, pediments, cupolas, cornices, coins, detail, and other ornamentation);
Yes _____ No _____
 - iv. Setbacks (relation to neighboring properties and the public way or street). Where feasible buildings shall be located away from sensitive areas so as to preserve open space and natural scenic views;
Yes _____ No _____

- v. All proposed structures within a local historic district shall require a certificate of appropriateness from the historical commission.

Yes _____ No _____

- vi. The planning board may request dimensional and setback requirements in addition to those required by this ordinance, in order to address the intent and purposes of site plan review if said additional setbacks do not alter the allowed use, diminish the permitted intensity of use, or cause the applicant to seek additional forms of regulatory relief.

Yes _____ No _____

- c. *Lighting:* Protection of adjoining premises or open space areas against detrimental off-site glare or spillover light.

- 1. The goal of exterior lighting shall be to make development safe and identify and accent key elements in the project's design.

Yes _____ No _____

- 2. Lighting poles and structures should be appropriately scaled and styled for the project. Pedestrian areas should have poles ten (10) to twelve (12) feet high and parking areas should have poles eighteen (18) to twenty-two (22) feet high. The pole heights should determine the overall spacing of the poles and fixtures shall be of the cutoff luminarie type. Off-site illumination to adjacent properties shall not exceed 0.2-foot candles as measured at the property line. Lamp type should be metal halide to provide a natural uniform quality of light. Parking and pedestrian light fixtures should be compatible with the building lighting to provide for a contiguous appearance of the project.

Yes _____ No _____

- 3. If requested by the board, a registered engineer or a lighting consultant shall prepare a photometric analysis of site lighting.

Yes _____ No _____

- d. *Landscaping:*

- 1. Except for zoning districts where the setback requirements are less than 20 feet, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. Unless waived by the board due to safety, pedestrian uses, or lot shape, the buffer strip shall be planted with grass, medium height shrubs, and shade trees having a minimum 3 inches in caliper planted at least every thirty (30) feet along the road frontage. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present an obstruction to sightlines.

Yes _____ No _____

- 2. Except for zoning districts with no side-yard setback requirements, a continuous landscaped buffer strip between business and industrial districts and any residential districts and/or property lines shall be provided for new development and maintained in perpetuity. In particular, circumstances where said buffer strip may be

impractical to apply, given safety, land use, permitted setbacks, lot shape or historic preservation considerations, the planning board may vary the landscape buffer requirements. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species is encouraged and shall be planted at a minimum height of six (6) feet. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of said fencing shall be subject to the approval of the planning board.

Yes _____ No _____

3. Other than for existing retaining walls, new retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. New retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Unless used within the industrial districts, vertical cast in place concrete or concrete blocks shall not be permitted.

Yes _____ No _____

4. Surface parking lots containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such trees to be a minimum of 2 1/2 inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips, and landscape islands may be required as necessary.

Yes _____ No _____

5. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

Yes _____ No _____

6. All landscaped areas shall be properly maintained. Shrubs or trees, which die within the first year, shall be replaced within one growing season as a condition of approval. The board strongly encourages the use of drought resistant native plant species.

- e. *Storm water runoff:* The site plan shows or includes adequate provisions for measures to prevent pollution of surface or groundwater, minimizing erosion and sedimentation, and measures to prevent changes in groundwater levels, increased run-off, and potential for flooding. The plan shall include:

1. A plan consistent with the Massachusetts Storm-Water Management Policy (SWMP), where the rate of surface water run-off from the site shall not be increased after construction. If needed to meet this requirement and maximize groundwater recharge, increased run-off from impervious surfaces shall be recharged on site by

being diverted to vegetated surfaces for infiltration or through the use of subsurface infiltration systems, retention or detention ponds. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants. The plan shall also be consistent with the Phase III National Pollution Discharge Elimination System (NPDES) requirements as adopted by the City of Newburyport.

Yes _____ No _____

2. Neighboring properties shall not be adversely affected by excessive run-off.

Yes _____ No _____

3. A detailed stormwater management plan will also be required.

Yes _____ No _____

f. *Water quality:* Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, reduction of paved areas, and reduction of building coverage. Installing grease traps, and/or gas/oil separators to improve water quality may also be required. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.

Yes _____ No _____

g. *Wetlands:* in order to minimize design and permitting conflicts, when wetland replacement or mitigation is required, the application shall include, if completed, a copy of the plan submitted in accordance with the regulations of the Newburyport Conservation Commission.

Yes _____ No _____

h. *Erosion control:* Erosion of soil and sedimentation of streams and water bodies shall be minimized using the following erosion practices:

1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.

Yes _____ No _____

2. During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation straps.

Yes _____ No _____

3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the soil conservation service.

Yes _____ No _____

4. All slopes exceeding 15% resulting from site grading shall be both covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or to be stabilized by a retaining wall.

Yes _____ No _____

5. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

Yes _____ No _____

- i. *Environmental performance standards:* All projects shall conform to the requirements defined under section XI of this ordinance. The storage, use, transportation, and removal of all hazardous materials and explosive materials shall be consistent with the requirements specified by the Newburyport Fire Department and city council plus all relevant state and federal regulations.

Yes _____ No _____

- j. *Utilities:*

1. Except for preexisting overhead connections, all electric, telephone, cable TV and other such utilities shall be underground from the roadway utilities.

Yes _____ No _____

2. In order to minimize design and permitting conflicts, the applicant must demonstrate that the proposed development will be permitted to connect to the public sewer, water, and other service systems. If sewerage is to be treated on site, the application shall include, if completed, a copy of the plan submitted in accordance with the regulations of the board of health.

Yes _____ No _____

- k. *Waterfront marine districts:* In order to insure that a project's scale, configuration, siting and overall design is compatible with existing structures in the vicinity of the proposed project and with the historical character of the downtown area in the WMU and the WMD districts, the following conditions shall apply:

1. Building orientation: Buildings and additions should be sited and configured to maximize visual access to the Merrimac River. In general, the long dimension of a building should be perpendicular to the river and the river view corridor from Merrimac St. and Water St. should be kept open as reasonably possible. An explanation of how the proposed siting enhances and protect river views shall be included in the application. The application shall include photographs of the site showing the existing views to the river as well as a drawing showing the location of the proposed development in relation to existing and proposed views to and from the Merrimack River.

Yes _____ No _____

2. Building height: Building height shall conform to the table of dimensional and density regulations.

Yes _____ No _____

3. General building design: The following building design considerations are strongly encouraged in the WMU district:

- i. Architectural elements such as chimneys, parapets, dormers and cupolas;

Yes _____ No _____

ii. The use of natural materials such as masonry, stone, brick and wood as primary facing or siding material;

Yes _____ No _____

iii. Vertically proportioned double hung sash windows;

Yes _____ No _____

iv. Wood storefronts and entrances.

Yes _____ No _____

4. For marina or docking facilities the application shall include the following additional information:

i. A plan of the proposed facility and the location of all boats;

Yes _____ No _____

ii. A parking plan for the created off-street parking;

Yes _____ No _____

iii. A plan indicating the shore frontage to be used and any alterations required;

Yes _____ No _____

iv. Any other docking or mooring facility existing or planned with 100 feet of the outermost edge of the proposed facility;

Yes _____ No _____

v. The upland water storage location of any docks, floats, boats, and associated equipment.

Yes _____ No _____

5. Floodplain: Properties within a floodplain zone must comply with section XIII of this ordinance.

Yes _____ No _____

XV-I Final action on site plan review. Final action of the planning board shall include one of the following:

a. Approval based on a determination that the proposed project complies with the criteria and design performance standards set forth in this ordinance.

Yes _____ No _____

b. Approval subject to any site plan and design performance conditions, modification, and restrictions the planning board may deem necessary to ensure the health, safety, and general welfare of the community.

Yes _____ No _____

c. A disapproval of the application for the reasons of an incomplete application or determination that the plan, although proper in form, is so intrusive on the interests of the public in one or more aspects regulated by this ordinance, that no reasonable terms or conditions can be devised to adequately protect the interests of the public.

Yes _____ No _____

XV-K Performance guarantee.

- a. *Performance guarantee:* The planning board may require that the applicant file with the board, as a condition of approval, a bond, or other such surety acceptable, in form and amount, to the planning board. This surety is to cover costs of non-building construction including, but not limited to, streets, utilities and other site improvements, erosion control measures and off-site environmental impacts, which left incomplete or improperly constructed, present a public health and safety hazard or nuisance. Further, a performance agreement between the applicant and the city will specify the manner in which the on or off-site improvements will be completed and the specific manner and time frame in which the surety will be released.

Yes _____ No _____

- b. *Release of performance guarantee:* Upon completion of all or a portion of the improvements required by a performance agreement entered under this ordinance, the applicant may request either partial or full release of his/her bond, or other such surety as has been posted by the applicant pursuant to this ordinance by sending a statement of completion and request for release by certified mail to the planning board and to the city clerk. If the planning board or its consulting engineer or designated representative, determines that said construction has been completed, it shall release the interest of the city in such bond or other security and return it to the person who furnished it.

Yes _____ No _____

- c. *Refusal of release:* If the planning board determines that said site improvements have not been either fully or adequately completed, it shall specify in a notice sent by registered mail to the applicant and to the city clerk the details wherein said site improvements fail to comply with the requirements of this ordinance.

Yes _____ No _____

XV-L Mandatory conditions.

- a. Prior to the start of construction, an inspection fee may be requested by the board subject to M.G.L.A. c. 44 § 53G.

Yes _____ No _____

- b. Record plans stamped by a professional engineer showing new construction, renovation or expansion shall be submitted to the building commissioner and the planning board. Said plans shall contain a certification that what was constructed is consistent with approved plans and conditions set forth by the planning board as part of site plan review.

Yes _____ No _____

- c. Prior to the granting of an occupancy permit, the planning board shall require a registered architect or civil engineer to certify in writing to the building commissioner that the project has been constructed in accordance with the approved plans and conditions. To facilitate planning board review, the developer shall be required to complete and submit to the planning board Form K of the subdivision rules and regulations, as applicable.

Yes _____ No _____

- d. The planning board may require the developer to submit all drawings and plans in computer aided drafting (CAD) formats. Specific file format shall be .DXF unless otherwise allowed.

Yes _____ No _____

- e. Prior to issuance of the building permit, the following shall be submitted to the city solicitor for review:

1. Any articles of incorporation of a landowner's association and the bylaws of the association;

Yes _____ No _____

2. Any agreements between the applicant and the city regarding public improvements or other matters;

Yes _____ No _____

3. Any deeds of land to be conveyed to the city for streets, parks, or other public purposes.

Yes _____ No _____

- f. No building permit shall be issued unless all public utilities have been reviewed and approved by the respective utility departments and that the proposed utilities will be installed in accordance with plans submitted with the application.

Yes _____ No _____

- g. Final actions of all permits shall be filed with the planning board as a matter of record.

Yes _____ No _____