

300-98 Site plan review of commercial, industrial and multifamily developments.

[Amended 11-21-1988]

- A. Projects requiring site plan review are listed in Tables I and II below. Table I lists those projects involving new construction which are subject to site plan review. Table II lists those projects involving expansion of existing structures which are subject to site plan review. In addition, any project granted a special permit for additional building height by the Planning Board in accordance with § 300-40D(2), (3) or (5) shall be subject to site plan review.

[Amended 7-1-1992; 6-1-2015 by Ord. No. 314]

Table I: New Construction

Zoning Classification	Building Size Requiring Site Plan Review
IG	5,000 square feet
IR	25,000 square feet or more than 1 structure on a lot
CG	Lot coverage over 65%
CC	1,000 square feet
CN	1,000 square feet
BHD	1,000 square feet
HD	5,000 square feet
Multifamily	Over 10 units; more than 2 townhouses or similar building type on a single lot

Table II: Expansion Construction

Zoning Classification	Percent Increase in Gross Square Footage Requiring Site Plan Review
IG-zoned buildings over 10,000 square feet	30%
IR-zoned buildings over 25,000 square feet or more than 1 structure on a lot	30%
CG-zoned buildings with total lot coverage exceeding 65%	1%
CC-zoned buildings over 1,000 square feet	40%
CN-zoned buildings over 1,000 square feet	40%
BHD-zoned buildings over 5,000 square feet	20%
HD-zoned buildings over 5,000 square feet	20%
Multifamily buildings over 10 units or more than 2 townhouses or similar building type on a lot	20%

- B. Projects consisting of a brewery, distillery, winery, as defined in § 300-5, Definitions, of the of this chapter, containing 10,000 square feet of gross floor area or greater, and that are proposed within an existing building must seek site plan approval from the Planning Board. Site plan review applies for new construction or expansion as established above.

[Added 4-19-2016 by Ord. No. 014]

- C. Procedure.

[Amended 4-9-2008 by Ord. No. 49; 6-1-2015 by Ord. No. 314]

- (1) Applicants shall submit to the Planning Board 10 copies of an application for site plan review and 10 sets of plans, size 24 inches by 36 inches. The applicant shall also submit 10 sets of plans, size 11 inches by 17 inches. The applicant shall also file one copy of the site plan review application with the City Clerk.
- (2) An application for site plan review shall also be accompanied by the following:
 - (a) A list of the names and addresses of all property owners of record who share a common property line with any portion of the property specified on the site plan review application and plan;
 - (b) A filing fee of \$35 per 1,000 square feet gross floor area (minimum of \$350, maximum of \$5,000) for site plan review; or \$350 for a modification of site plan review; and
 - (c) Written permission from the owner of the property to apply for site plan review, if the applicant is not the owner.
- (3) At least seven days prior to the date of the public hearing, the Planning Board shall advertise the public hearing in a newspaper of local circulation and shall send written notice by mail to all abutters.
- (4) Final action on the site plan shall be taken by the Planning Board after a public hearing has been held and within 65 days of the date of the public hearing.
- (5) All applications for site plan review shall be forwarded to both the Parking and Traffic Commission and the Design Review Board for their comments and recommendations. The recommendations of this board and commission shall be received by the Planning Board within 30 days of submission to the board/commission. Failure to forward comments within 30 days will be deemed conclusion of review by the Design Review Board or the Parking and Traffic Commission. All applications for site plan review will also be forwarded to the City Engineer for his review and approval.

- (6) The Beverly Harbor Management Authority (BHMA) shall be given notice and forwarded applications for projects seeking site plan review in the Beverly Harbor District and may comment on a project in accordance with Chapter 15, § 15-34B, of the City Code and the Acts of 1987, Chapter 221.
- (7) Failure of the Planning Board to act within 65 days of the public hearing shall be deemed as conclusion of review and it shall forthwith make its endorsement on said plan and, on its failure to do so, the City Clerk shall issue a certificate to the same effect. The Planning Board shall communicate to the appropriate municipal officials and to applicant the results of its review.
- (8) The Planning Board may waive any of the requirements of this section if deemed in the best interest of the City to do so.
- D. Contents of plan. A plan accompanying an application for site plan review shall be drawn to whatever scale necessary to show clearly all site features, and shall include or be accompanied by the following:
- (1) A locus map drawn at a scale of one inch equals 800 feet;
 - (2) The location and name of all streets in the immediate vicinity of the proposed project, with a notation as to whether the street is a public or private right-of-way;
 - (3) Zoning and historic district boundary lines;
 - (4) Existing and proposed contour lines at one- or two-foot intervals;
 - (5) The location and dimensions of all existing and proposed buildings on the site, and on abutting properties; elevation and facade treatment plans of all proposed buildings and signs;
 - (6) Information on the location, size, and capacity of existing and proposed utilities which will service the project (water, sewer, electric, etc.) as well as hydrant location(s), and design plans and specifications/information for HVAC equipment and other noise-emitting equipment proposed on the roof of the building(s) or elsewhere on site;
 - (7) Information on the method of surface and subsurface drainage disposal; location, type, and intensity of lighting; location, size, type, and number of existing and proposed landscape features; location and dimensions of signage; location of waste and refuse disposal facilities, and snow removal plans for the property post construction, and adequacy of same;
 - (8) Calculations of amount of parking required, and the location, size, and type of parking, loading and unloading, and service areas;
 - (9) Information sufficient to demonstrate that satisfactory arrangements will be made to facilitate traffic movement to, from, and within the site, such arrangements to be subject to the review and approval of the Parking and Traffic Commission ("sufficient information" may require the submission of a traffic study); and
 - (10) Any additional data (including but not limited to drainage studies, demographic studies, shadow studies, etc.) which the Planning Board may deem necessary to evaluate the proposed project as it relates to surrounding areas, anticipated traffic and public safety and the intent of the Comprehensive Plan and this chapter.
- E. Modification to approved site plan. Subsequent to a site plan granted by the Planning Board pursuant to this section, minor modifications to the site plan may be made from time to time in accordance with applicable City ordinances and regulations. The development approved under such site plan shall otherwise be in accordance with the approved plans and such conditions, as may be included, in the decision of the Planning Board. The developer shall notify the Planning Board in writing well in advance of any such modification, which shall not be effective until approved by vote of the Planning Board. The developer shall also submit a plan depicting such modification. Should the Planning Board determine that such revisions are not minor, it shall order that an application for a modification of site plan be filed and a public hearing be held in the same manner as set forth in this section.
- [Amended 4-9-2008 by Ord. No. 49]

§ 300-99 Violations and penalties.

[Amended 6-11-2007 by Ord. No. 35]

- A. If at any time the Building Inspector finds that any construction or use has been commenced in violation of this chapter, he or she shall immediately notify the owner or agent of the nature of the violation in writing and order the abatement of such violation.
- B. Unless another penalty is provided for violations of specific provisions of this chapter, failure to comply with any provisions of this chapter or with any specific conditions and safeguards imposed by the Board of Appeals or the Planning Board in granting a variance, special permit, or site plan review, or any plan(s) specifically cited in either board's approval(s), shall cause the violator to be liable for a fine not to exceed \$50 for each day such violation continues unabated after the remedy of same is ordered by the Building Inspector. In addition, the Building Inspector may elect to withhold occupancy permits until any such failure is remedied to the respective board's satisfaction.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

- C. Wherever any violation of this chapter occurs, any person may file a complaint in regard thereto in writing to the Building Inspector. The Building Inspector shall immediately investigate said complaint and, finding a violation to exist, shall act

according to Subsection A.

§ 300-100 Severability; when effective.

- A. If any section, paragraph, subdivision, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part of provisions thereof other than the part so decided to be invalid or unconstitutional.
- B. The fact that the present zoning regulations are inadequate to properly safeguard the general public welfare, health, peace, and safety, creates an urgency and an emergency, and requires that this chapter become effective immediately upon its passage.

§ 300-101 Amendments.

Proposed amendments to this chapter shall be made in accordance with the procedures provided by Chapter 40A of the Massachusetts General Laws on file with the City Clerk. Optional provisions of Chapter 40A concerning the amendment process are not included in this chapter.

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