

Report on Site Plan Review For the Town of Tewksbury

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Site Plan Review – Introduction

Site Plan Review (SPR), sometimes referred to as Site Plan Approval (SPA) or other similar names, is a land use tool long used by municipalities throughout Massachusetts and the country. It is a method of examining development proposals within the community.

It is important to know that SPR is not found in M.G.L., Chapter 40A, the Zoning Act or in any other state statute. The SPR procedure is a land use process that is a creature of local government and that communities may use based on their home rule power to protect the public health, welfare, and safety. Thus, local communities have great flexibility, with some limitation, to determine the process, timeline, hearing, review criteria, decision maker, etc. by local bylaw/ordinance and/or rules & regulations.

SPR is traditionally used for by-right uses to review site and design issues. In the usual situation, a site plan review approval procedure is required prior to the issuance of a building permit. However, there may be circumstances – such as SPR for parking lot construction or modification – where no building permit would be required.

The reviewing authority has the ability to impose reasonable conditions to further the purposes established in the bylaw/ordinance, but generally cannot deny the application, with some exceptions. This process is most effective when a community has objective design guidelines and criteria as well as clear and specific purpose, and comprehensive standards and regulations for those issues the community wishes to address by SPR.

At the end of this report there is an Appendix with excerpts from a number of SPR zoning sections from other communities. These excerpts illustrate language regarding purpose, procedures and review criteria from those zoning bylaws.

Purpose

The purpose behind SPR is for a community to have an administrative review process that serves as a site and design review mechanism; but, unlike special permits, it is not discretionary in nature. The focus of a APR procedure is on building and site design and impact

considerations. That process can be broad in nature as to what aspects of development the community chooses to review.

In the case of *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 57 (1997), the court determined that “*site plan review has been found to be a permissible regulatory tool for controlling the aesthetics and environmental impacts of land use.*”

In adopting a SPR procedure, language should be included that clearly articulates, in detail, the particular purpose and intent of the SPR procedure for the community.

Adoption & Procedures

Whether and how a municipality adopts SPR is entirely a local choice, there being no governing state statutory provisions. That said, the courts have recognized this land use tool by providing legal guidance, explaining what SPR is and what it is not. In most communities, this is a procedure found in the zoning bylaw or ordinance.

If the municipality intends to use SPR in any significant manner, it should adopt SPR requirements and review criteria as a zoning ordinance or bylaw. The procedures to be used by the city or town for the SPR process are for the city or town to determine. Procedures should specify the board, committee, or staff responsible for review and approval, the scope of the review, and the degree of public participation.

The administrative procedures (application forms and plan requirements etc.) may be adopted into either the zoning bylaw or into the board’s rules & regulations

Administration of Site Plan Review

A by-right SPR procedure is traditionally administered by a planning board. However, some communities have a tiered set of SPR requirements. The tiers generally work in one of two ways.

- The first is a distinction between a Major SPR and a Minor SPR with both applications going to the planning board for a decision. The distinctions generally are based on size of project and/or amount of parking required or some other similar threshold factor. The Major SPR might require a public hearing where the Minor SPR might only require a decision at a public meeting.
- The second is a distinction between a planning board SPR and an “administrative” SPR. In this case the administrative SPR is reviewed and acted upon by the planning staff. The administrative review is for small projects for uses that are allowed in a specific zoning category (for example, a small addition to a retail store in a business district)

In either case, the town would need to determine the appropriate thresholds to make any distinctions between separate SPR procedures.

SPR Benefits

There are a number of potential benefits to both the town and to the business community that can result from the use of the by-right site plan review process. These can include the following:

- Communities, potential applicants, land owners, small businesses and abutters can be well-served by having a clear list of what uses are allowed by SPR instead of the uncertainty of uses that might, or might not, be allowed by special permit.
- Communities that used the SPR process have experienced a number of benefits, for the community, and for the businesses in those communities. If the town has already zoned land for certain business, commercial or offices uses, then with some exceptions where a special permit process is appropriate, the SPR process is appropriate. Businesses that wish to locate within those districts with the type of uses that would be expected in those districts, and that are not likely to present any significant impacts, should be able to do so without having to face a discretionary decision process and timeline.
- One of the main reasons for using a by-right SPR process to begin with, and to use a tiered process, is to not unduly burden small business owners or start-up businesses with financial costs and longer time periods to receive a permit in order to open a store or small restaurant or other business that would be very appropriate in the zoning district.
- Site Plan Review brings a degree of certainty to a project which makes it more attractive to owners/applicants. The uncertainty of the special permit can make it more difficult for a small business owner or someone looking to start up a business to obtain financing. In addition, since a SPR process is generally shorter than a special permit process, this minimizes the time a business may have to pay for a monthly lease on a space without being able to open their business and thereby start a flow of revenue.
- It has been the experience of communities that use the SPR process and its focus on the design and impacts of building or development, results in a much better building and site design with fewer impacts on the town, neighborhood, or corridor. It is often more in line with the goals of the town for improved development design, business operation, better site function (parking, pedestrian access, landscaping, lighting etc.) and with fewer negative impacts and site functioning.
- The ability to modify and amend a special permit decision and its conditions is extremely limited without a board going through the entire special permit process again. With the site plan review process, since it is a creation of local government, a community can include

specific language in the SPR bylaw that determines under what circumstances and with what process, a board can modify a decision and the conditions imposed on that decision.

- M.G. L. Chapter 40A, § 3, provides certain exemptions from zoning for selected uses. For many of those uses the town may not deny or unduly restrict the use. The courts have determined that “unduly restrict” includes the requirement to obtain a special permit. This is particularly applicable to religious and non-profit educational uses. However, these uses may be subject to reasonable regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

As a result, towns have incorporated language into their by-right SPR procedures that specifically addresses those aspects of religious and non-profit educational institutions listed in the previous paragraph. As long as those requirements are reasonable the town may require the institution to go through a SPR process. A special permit process would not be allowed.

- The zoning bylaw change freeze protections of M.G.L. c. 40A, § 6, that are accorded to building permit and special permit applications, do not apply to land subject to SPR applications.
- A number of communities include non-building development in their SPR requirements. For example, a SPR may be required for additional parking, new driveways, installation of outdoor recreational equipment, land disturbance, or similar activities that do not include buildings.
- The SPR process provides greater flexibility to the board in establishing the review process and in its decision-making.

SPR Review Criteria and Standards

A municipality should consider how it intends to use the SPR procedure. SPR can be an effective tool to greatly improve the quality of the design and site characteristics of a proposed development while eliminating or minimizing its impacts. Therefore, any substantial use of this regulatory procedure warrants a set of well-written and comprehensive standards and criteria that reflect the goals of the community in adopting the procedure.

The following criteria, at a minimum, are generally those that SPR regulations are well adapted to address:

- siting of buildings
- building design
- architectural compatibility & scale
- signs
- landscaping
- screening & buffers

- protection of adjacent properties
- hours of operation
- driveways and access
- parking and vehicular circulation
- relationship of buildings & parking
- convenience & safety of vehicular, bicycling, and pedestrian traffic
- traffic impacts
- lighting
- sidewalks
- on-site open space
- utilities & infrastructure
- drainage
- adequacy of wastewater disposal
- trash & recycling facilities
- loading facilities

Issues to be Considered

Listed below are a number of issues that should be considered, and decided, prior to the adoption of a SPR procedure.

- Voting requirements (Generally, a majority vote is required rather than a two-thirds or unanimous vote.)
- Information required to be filed with the application
- The filing fee
- Public hearing - required or not
- The timeline for a public hearing (if any) and a decision
- Notice requirements (abutters, legal ads etc.)
- Decision filing with the city/town clerk and in the Registry of Deeds – required or not
- Inclusion of language for waiver provisions – either for a waiver for filing a SPR application, or waivers from particular requirements of the SPR application process and plans
- Inclusion of language as to the process to amend a SPR decision
- Inclusion of language related to the constructive grant of a SPR
- Inclusion of language regarding the appeal procedure; if the community desires to allow a direct appeal from an SPR decision to the courts pursuant to G.L. c. 40A, § 17, that must be specified in the bylaw

Decisions, Conditions & Denials

Decisions - Best practice would suggest that cities and towns adopt comprehensive, clear, and reasonable bylaws and regulations as to the procedure, review criteria, and decision-making standards for a SPR process.

Conditions – A site plan may be approved with reasonable conditions. Just as with any other land use permit, courts are deferential to a community’s site plan approval requirements and conditions imposed pursuant to them.

The Appeals Court in *Prudential Insurance Company of America. v. Board of Appeals of Westwood*, (1986) stated that “A board also possesses discretion to impose reasonable conditions under a by-law’s requirements in connection with approval of a site plan, even if the conditions are objected to by the owner or are the cause of added expense to the owner.”

Denials - There are limited circumstances where a board may deny a SPR application. The Appeals Court in the *Prudential Insurance Company of America* case determined the circumstances whereby a SPR could be denied. They are:

- “A board may lawfully reject a site plan that fails to furnish adequate information on the various considerations imposed by the by-law as conditions of the approval of the plan.
- “In some cases, the site plan, although proper in form, may be so intrusive on the interests of the public in one regulated aspect or another that rejection by the board would be tenable. This would typically be a case in which, despite best efforts, no form of reasonable conditions could be devised to satisfy the problem with the plan.

Appendix

Site Plan Review Zoning Bylaws - Excerpts

Town of Reading

4.6.1 Purpose and Authority

4.6.1.1 Site Plan Review is a means of protecting the public interest through evaluating impacts of new development and redevelopment of land and structures within the Town of Reading. Site plan review is designed to manage aesthetics, minimize the potential for conflicts among uses and limit the impacts, through imposition of reasonable conditions, of uses that are otherwise permitted in the applicable district.

The CPDC (Community Planning and Development Commission) administers the Site Plan Review process for the following purposes:

- a) To protect and promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Reading, and to ensure the integrity of its neighborhoods;
- b) To oversee acceptable site planning practices and to promote desirable architectural design within the Town of Reading;
- c) To address development issues comprehensively while ensuring a streamlined and efficient development review process;
- d) To provide for appropriate mitigation measures as a result of increased impacts to municipal services and infrastructure;

- e) To ensure consistency in the application of development standards and guidelines, and;
- f) To ensure proper monitoring and enforcement of Reading zoning and development regulations.

4.6.1.2 Guidelines, Regulations and Standards - The CPDC may adopt reasonable Guidelines, Regulations and Standards governing procedures to be used for the administration of Site Plan Review.

4.6.5 Review Criteria

4.6.5.1 All construction and site alterations subject to Site Plan Review shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the proposed construction and/or alteration, so as to:

- a) Minimize the volume of cut and fill, the number of removed trees six-inch (6") caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- b) Maximize pedestrian, bicycle and vehicular access and safety, both on the site and entering and exiting the site;
- c) Minimize obstruction of scenic views from publicly accessible locations;
- d) Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or from residential properties;
- e) Minimize glare from headlights and light pollution emitted from on-site lighting fixtures;
- f) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- g) Ensure compliance with applicable regulations governing on-site waste-water disposal systems; h) Minimize contamination of groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances;
- i) Provide appropriate landscaping and other site amenities so as to enhance the visual character of the property;
- j) Minimize environmental and other impacts to adjacent properties through appropriate restrictions of hours of operation, deliveries, noise, rubbish removal and storage or by other appropriate means.
- k) Provide adequate access to each structure for fire, public safety and service equipment;
- l) Provide adequate utilities and water and sewer service;

- m) Provide stormwater drainage and roadway and driveway layouts consistent with the functional requirements of the Town of Reading's Subdivision Rules and Regulations, any applicable federal, state and local regulations, and the standards of the Department of Public Works;
- n) Minimize impacts to abutting residential development; and
- o) Otherwise demonstrate compliance with the Zoning Bylaw.

Town of Bedford Design Standards for SPR

7.5.2.2 Design Standards in the Limited Business District and General Business District. In addition to other requirements in these Zoning Bylaws the building and site plan design standards shown below are required in the Limited Business District and General Business District. It is strongly recommended that a preliminary or concept plan be submitted for informal review by the Planning Board prior to preparation of a formal site plan. This will allow the Planning Board and the applicant to discuss design ideas, understand Planning Board expectations and how the site plan can maximize the standards herein, while promoting economic development or redevelopment of Bedford's Limited and General Business Districts. The extent of the Planning Board expectations will be directly related to the level of site modification and/or building construction or redevelopment.

(a) Architectural elevation and floor plan drawings shall be submitted. The design of buildings shall enhance the visual character of Bedford's Business Districts and respect and reflect traditional New England heritage of the area. The scale and massing of buildings shall be compatible with buildings in the vicinity.

(b) Building design shall incorporate features to add visual interest while reducing appearance of bulk or mass. Such features may include varied facades, rooflines (e.g., gable direction, pitch), roof heights, materials, and details such as brick chimneys or shutters. Blank walls are prohibited on the front of buildings that have retail or service shops or similar uses.

(c) Any alteration of or addition to an existing historic structure shall employ materials, colors, and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, construction techniques and/or examples of craftsmanship that characterize a historic property shall be preserved where feasible. Historic structures are those listed in the Bedford Historical Society report "Historic Properties and Neighborhoods of Bedford, Massachusetts" as amended. Where such alteration falls under the jurisdiction of the Bedford Historic District Commission and/or Historic Preservation Commission, the recommendations of those Commissions shall control.

(d) Except for windows, building design should generally avoid the appearance of reflective materials such as porcelain, enamel or sheet metal. Predominant wall materials should generally have the appearance of wood, brick or stone painted or coated in a

non-metallic finish. Structures should include adequate first floor windows to provide visibility of shop spaces.

(e) New buildings shall incorporate best practices in energy efficiency, environmental protection, and stormwater management; shall comply with current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council where feasible. Site development shall incorporate DEP stormwater management guidelines and Low Impact Development site design components.

(f) The organization and orientation of buildings shall be pedestrian-friendly. Vehicle, pedestrian, and bicycle features shall be designed to provide a network of pathways that promote non-vehicular circulation. Curb cuts shall be limited to the number necessary to provide safe and convenient vehicular and emergency vehicle access. The Planning Board may require provision of an easement that would allow future connection to abutting properties in order to facilitate pedestrian and/or vehicular access.

(g) To the greatest extent possible, site plans shall be pedestrian-friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and/or appropriate landscaping. Structures, parking, pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian access. (h) The site plan shall maximize the efficient use of existing and proposed parking facilities, and minimize the area of land to be paved for parking. To maintain a pedestrian friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible unless the applicant can demonstrate a more desirable pedestrian-friendly atmosphere with an alternate parking pattern.

(i) Landscape areas shall be planted with a variety of vegetation utilizing existing vegetation where appropriate. Plantings may include lawn, annuals, perennials, ground covers, and deciduous and evergreen shrubs and trees (both ornamental and shade). Street or shade trees shall be planted along the street wherever possible. Shade trees shall have a minimum caliper of 2 1/2 – 3 1/2 inches and a minimum height of ten feet. Conifer trees shall have a minimum height of eight feet. 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 a traffic visibility hazard.

Town of Littleton Special Design Provisions in the SPR Regulations

§173-20. Special Design Provisions for the Village Common District. [Added 5-3-2010 STM, Art. 4.] The Planning Board shall consider the following additional design criteria in conducting Site Plan Review for projects in the Village Common zoning district. The Planning Board may adopt additional Design Guidelines to advance the goals of the Village Common.

A. Design Goals. Buildings and renovations shall be of a design similar to or compatible with traditional architecture in the Town of Littleton in terms of scale, massing, roof shape, spacing and exterior materials. The design standards are intended to promote quality development

consistent with the Town's sense of history, human scale and pedestrian-oriented village character.

B. Building Scale. The size and detailing of buildings shall reflect the community preference for moderate-scale structures that resemble houses or barns, and do not resemble "big box shopping centers". New buildings and/or substantial alterations shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights, materials, and details such as brick chimneys or shutters.

Buildings shall relate to the pedestrian scale by:

- Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.
- Articulate the base, middle, and top of the facade separated by cornices, string cornices, step-backs or other similar features.
- Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces shall not be permitted.

C. Roof Form. New construction, including new development above existing buildings and/or substantial alterations, shall incorporate gables or other traditional pitched roof forms which will be consistent with the historic architecture of the Town of Littleton. Flat roofs are discouraged.

Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element.

D. Entrances. All primary commercial and residential building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

Doors shall not extend beyond the exterior facade into pedestrian pathways.

E. External Materials and Appearance. Predominant wall materials shall have the appearance of wood, brick or stone painted or coated in a [natural] non-metallic finish. Cladding materials should be consistent on all facades with the exception of special design elements such as gables or dormers.

Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings.

Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 40 percent of the facade surface.

Wherever possible, existing historic structures on the site shall be preserved and renovated for use as part of the development.

Any alteration of or addition to an existing historic structure shall employ materials, colors and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

F. Landscaping. To the maximum extent possible projects in the Common Area shall provide pedestrian-friendly amenities, such as wide sidewalks/pathways, outdoor seating, patios, porches or courtyards. Site landscaping shall be maximized.

Links/sidewalks designed to connect parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within the Littleton Common.

G. Service Areas, Utilities and Equipment. Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses. Waste disposal areas shall follow all relevant requirements of the current Littleton zoning by-law.

H. Sustainable Building Design. It is desirable that new buildings constructed in the Littleton Common Area comply with the current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council to the maximum extent feasible.

I. Vehicle and Pedestrian Features. Vehicle, pedestrian and bicycle features shall be designed to provide a network of pathways, and promote walking within the Littleton Common area. Curb cuts shall be minimized.

J. Parking: To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be discouraged.

K. Bicycle Parking: Bicycle parking shall be provided for all new development, shall be at least 50 percent sheltered from the elements, and shall be located as close as possible to the building entrance(s). Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner within the same block.

L. Appointment of Design Advisory Team (DAT). The Planning Board may, at its option, appoint a Design Advisory Team to assist in the review of any project in the Littleton Village Common zone that requires Site Plan Review pursuant to Section 173-20. Members of the DAT shall include: one or more Planning Board member(s); professional architect(s); landscape architect(s) or design related professional(s); Historical Commission member(s); business owner(s).

The DAT will provide advisory professional design review assistance to the Planning Board. The DAT may also submit a written report to the Planning Board. The DAT will be appointed at a regularly scheduled meeting where public notice has been provided.

At the direction of the Planning Board, a project applicant may be required to meet with the DAT to discuss resolution of design concerns.

Town of Amherst – SPR Review Criteria

11.24 REVIEW CRITERIA/DESIGN GUIDELINES

The following criteria and guidelines shall be used by the Board in evaluating the site plan and all information submitted as part of the application.

11.240 GENERAL

11.2400 Conformance with all appropriate provisions of the Zoning Bylaw and the goals of the Master Plan.

11.2401 Protection of Town amenities and abutting properties through minimizing detrimental or offensive actions.

11.2402 Protection of abutting properties from detrimental site characteristics resulting from the proposed use, including but not limited to air and water pollution, flood, noise, odor, dust vibration, lights or visually offensive structures or site features.

11.2403 Provision of adequate recreational facilities, open space and amenities.

11.241 ENVIRONMENTAL

11.2410 Protection of unique or important natural, historic or scenic features.

11.2411 Adequacy of proposed methods of refuse disposal

11.2412 Ability of proposed sewage disposal and water supply systems within and adjacent to the site to serve the proposed use.

11.2413 Adequacy of the proposed drainage system within and adjacent to the site to handle the increased runoff resulting from the development.

11.2414 Provision of adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundary. Where natural, undisturbed vegetation already exists onsite prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.

11.2415 Adequacy of the soil erosion plan and any plan for protection of steep slopes, both during and after construction.

11.2416 Protection of adjacent properties by minimizing the intrusion of air and water pollution, flood, noise, odor, dust and vibration through appropriate site and structure design and the use of appropriate design and materials for containment, ventilation, filtering, screening, sound-proofing, sound-dampening and other similar solutions.

11.2417 Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaires, light shields, lowered height of light poles, screening or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.

11.2418 Protection from flood hazards as stated in Section 3.22, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant material; extent of paving; effect of fill, roadways or other encroachment on floor runoff and flow; storage of chemicals and other hazardous substances.

11.2419 Protection of wetlands by building in accordance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40, and the Amherst Wetlands Bylaw.

11.242 DESIGN

11.2420 Within the B-L, B-VC, B-N, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect. **(Note: See excerpt from Design Review Section of the Zoning Bylaw – 3.204 - referenced in this paragraph, below.)**

11.2421 The development shall be reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development.

11.2422 Building sites shall avoid, to the extent feasible, the impact on steep slopes, floodplains, scenic views, grade changes and wetlands.

11.2423 If there is more than one building on the site, the buildings shall relate harmoniously to each other in architectural style, site location and building exits and entrances.

11.2424 Screening shall be provided for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.

11.243 TRAFFIC/PARKING

11.2430 The site shall be designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties.

11.2431 The location and number of curb cuts shall be such to minimize turning movements, and hazardous exits and entrances.

11.2432 The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalks shall be provided in a safe and convenient manner.

11.2433 Provision for access to adjoining properties shall be provided as appropriate.

11.2434 Where possible, driveways located in commercial and business districts shall be located opposite each other.

11.2435 Joint access driveways between adjoining properties shall be encouraged.

11.2436 A traffic impact report shall be required, unless waived under Section 11.222. Information required as part of this report shall be as set forth in the Rules and Regulations of the Planning Board.

11.2437 When a traffic impact report is required, the proposed development shall comply with the following standards:

1. Level of Service (LOS) at nearby intersections shall not be degraded more than one level as a result of traffic generated by the proposed development, nor shall any nearby intersection degrade below the Level of E.
2. Adjacent streets shall not exceed design capacity at the peak hour as a result of traffic generated by the proposed development.
3. Safety hazards shall not be created or added to as a result of traffic generated by the proposed development.
4. If any of the standards in Section 11.2437 1 - 3 are violated, the applicant shall provide alternative proposals to meet the standards, including but not limited to; reduction in the size of the development, change in proposed uses on the site, contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements.

3.204 Design Review Principles and Standards

The design review principles and standards described in this section are intended to guide the applicant in the development of site and building design and the Design Review Board in its review of proposed actions. These principles and standards shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention or innovation. The Design Review Board is specifically precluded from mandating any official aesthetic style for Amherst or for imposing the style of any particular historical period. The design review principles and standards shall apply to all actions reviewable under Section 3.202.

3.2040 General Principles

- 1) Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment. The removal or alteration of any historic material or architectural features should be avoided when possible.
- 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- 3) Stylistic features distinctive to the architecture of a specific building, structure or landscape, or examples of skilled craft which characterize a building, structure or site shall be conserved or preserved where feasible and appropriate, and may be considered for use as the basis for design of additions. Their removal or alteration should be avoided whenever possible.

4) Contemporary design for new structures or sites, alterations or additions to existing properties shall not be discouraged when such new development, alterations or additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the design character of the surrounding environment.

5) The design of alterations and additions shall, where reasonable and appropriate, strive to improve the quality, appearance and usability of existing buildings, structure and sites.

3.2041 Design Review Standards

The Design Review Board shall consider, at a minimum, the following standards in the course of the design review of a proposed action.

1) Height - The height of any proposed alteration should be compatible with the style and character of the building, structure or site being altered and that of the surroundings.

2) Proportions - The proportions and relationships of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure and that of the surroundings.

3) Relation of Structures and Spaces - The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surroundings.

4) Shape - The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of a building or site, and that of its surroundings.

5) Landscape - Any proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area. Landscape and streetscape elements, including topography, plantings and paving patterns, should provide continuity and definition to the street, pedestrian areas and surrounding landscape.

6) Scale - The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the surroundings. The scale of ground-level design elements such as building entryways, windows, porches, plazas, parks, pedestrian furniture, plantings and other street and site elements should be determined by and directed toward the use, comprehension and enjoyment of pedestrians.

7) Directional Expression - Building facades and other architectural and landscape design elements shall be compatible with those of others in the surrounding area with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.

8) Architectural and Site Details - Architectural and site details including signs, lighting, pedestrian furniture, planting and paving, along with materials, colors, textures and grade shall be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area. In the downtown business districts, these details should blend with their surroundings to create a diverse, functional and unified streetscape.

9) Signs - The design of signs should reflect the scale and character of the structure or site and its surroundings. Signs should simply and clearly identify individual establishments, buildings, locations and uses, while remaining subordinate to the architecture and larger streetscape.

The choice of materials, color, size, method of illumination and character of symbolic representation on signs should be compatible with the architectural or landscape design style of the structure or site, and those of other signs in the surroundings.