

RULES AND REGULATIONS OF THE WESTPORT PLANNING BOARD

SITE PLAN APPROVAL



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1.0 General Provisions

1.1 Purpose and Authority

The Planning Board of the Town of Westport (hereinafter "the Board") hereby adopts these rules and regulations for Site Plan Approval ("SPA"), under the Home Rule Authority of Article 89 of the amendments to the Massachusetts Constitution and Article 15 of the Zoning By-Laws of the Town of Westport.

These rules and regulations are adopted for the purpose of establishing uniform procedures and requirements for submission of Site Plan Approval (SPA) applications and to notify applicants of administrative and review procedures and design and construction standards.

1.2 Adoption and Amendment

These Rules and Regulations may be adopted and, from time to time, amended by a majority of vote of the Board after a public hearing duly advertised in a newspaper of general circulation in the Town of Westport. Notice of said hearing shall appear once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the hearing, and such notice shall be posted in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before such hearing. Amendments, once adopted by the Board, shall be filed in the office of the Town Clerk.

1.3 Effective Date

These rules and regulations are effective when voted. A copy shall be filed with the office of the Town Clerk, with appropriate endorsements, such as:

Date of Adoption:

Date filed with Town Clerk:

Amendments - dates of adoption:

Amendments - dates filed with Town Clerk, etc.

1.4 Applicability

Any development requiring Site Plan Approval from the Board shall comply with the provisions of these rules and regulations, except those provisions waived by the Board.

2.0 Application

2.1 Pre-Application Conference

Petitioners are encouraged to discuss proposed applications with the staff of the Planning Office prior to formally submitting such applications. In addition, the Board may hold pre-application conferences at any regular or special meeting of the Board to discuss the proposed development and any unusual features on the site that require special treatment or to make a determination and decision on Minor Site Plans. This meeting may also provide an opportunity to discuss the procedures and information the Board would need to: grant a waiver from Site Plan Approval based on project size and potential impact; coordinate reviews if the development requires other town approvals; and request impact analyses, such as a traffic study. Applicants must request an appointment on the agenda with the Planning Board Office, the scheduling of which is at the discretion of the Planning Board. Submission of brief explanatory material including property owner's

name, assessors' map, site address, plot plan (if available), sketch or description of proposed changes, and any applicable forms to the Planning Board office by the Thursday before the meeting for inclusion in the Board's information packets is required.

2.2 Application and Submission Requirements

2.2.1 Submission

In order to facilitate an expeditious hearing, applicants for Site Plan Approval should submit simultaneously all forms, plans and required initial fees. Failure to adhere to this requirement may disable the Planning Board from holding a timely hearing on the application.

Applications for SPA must be complete when submitted to the Planning Board. A complete application will consist of all plans, documents, forms, calculations, and filing fees, in size number and amount as prescribed by the Zoning By-Law and these rules and regulations. The Planning Office shall review the application for completeness and, in the event that such application is incomplete, shall notify the petitioner of the incomplete items.

The Board shall obtain an estimate of the review fee from its consultant(s); the applicant shall bear the cost of this service. Failure to pay this fee shall be grounds for denial of the site plan for the development.

The Board and its agents may visit the site. Should the applicant wish to be present, the Board will contact the applicant to schedule a mutually convenient time for a visit.

2.2.2 Application Form

Applications for SPA shall be made on an official form, which shall be furnished by the Planning Board Office upon request. The application form and any checklists, or other administrative documents may be revised from time to time by the Planning Board staff or the Board without public hearing.

The applicant shall submit 11 copies of the application, plans and other required materials to the Planning Board Office. The number of copies required of other materials may be reduced by the Planning Board Office, depending on the nature and complexity of the project.

2.2.3 Plans and Plan Content

Development subject to Site Plan Approval requires the applicant to submit accurate and detailed information to the Planning Board. Simple developments or Minor Site Plans as so determined by the Planning Board under Section 2.2.5 shall not be subject to Section 2.2.3, except for those requirements that may be deemed necessary by the Board at the Pre-Application conference and those specified on the Form SPA-1 Request for Determination and Approval of Minor Site Plan with Waivers. Plans shall be prepared by a Registered Architect, Landscape Architect, Professional Land Surveyor and/or Professional Civil Engineer, as appropriate. Eleven complete (11) sets of plans and documents containing the following

information shall be included. All site plan sheets shall be submitted on 24 by 36 inch sheets.

a. General requirements for all plan sheets:

- 1). All plans shall be drawn on 24" x 36" paper;
- 2). North arrow where applicable;
- 3). Graphic scale (written scale may be substituted for road profile, as appropriate; construction details may be drawn not to scale, but shall be dimensioned);
- 4). Name of project/site;
- 5). Name of plan sheet describing its contents;
- 6). Sheet Number;
- 7). Applicant's name and Owner's Name;
- 8). Designer's Name;
- 9). Date of plan;
- 10). Revision date(s) and description of revisions.

b. Context and locus plans (both of these may be on one sheet)

- 1). Applicant name, address; Owner name, address;
- 2). Plan date and any revision dates;
- 3). Assessors' map and lot and site address (if assigned);
- 4). Locus map to scale (1"=2000' suggested)
- 5). Context plan showing relation of property to surrounding area (This plan shall show at a scale of not less than 1"=100' the general characteristics of all lands within 200' of the proposed site including the locations of existing structures, parking areas, driveways, pedestrian ways, natural characteristics, roadways and other significant features within 200 ft. of the site.)
- 6). Zoning district: note the underlying zoning of the district (Residence/Agricultural, Business, etc.) and the square feet within each district if the site lies within more than one district; note any overlay districts; if zoning district boundary is within the area shown on the plan, it should be depicted and labeled, otherwise described in notes on the plan.
- 7). Total area of site in square feet; area of wetland resource areas and 100 year floodplain (both in square feet)
- 8). All contiguous land owned by the applicant or by the owner of the property. At the discretion of the Planning Board photographs of the site at a size of 8" by 10".

c. Existing Conditions Plan

Plans shall be accurately drawn to a scale of 1"=20', 1"=40', 1"=60' or 1"=100' where practical and appropriate to the size of the proposal and shall show existing physical (natural and cultural) features and political/legal features (such as zoning district and town boundaries, easements, parcel lines, etc.) of the site. Such plans are to include but not be limited to the following:

- 1). Existing topography at 2 foot intervals;
 - 2). Property lines (with dimensions);
 - 3). Zoning district boundaries (if any);
 - 4). Floodplain boundary (100 yr) with base flood elevation data;
 - 5). General soil types from NRCS soil survey
 - 6). Tree line of wooded areas and individual trees 18" dbh or greater;
 - 7). Agricultural fields and uses;
 - 8). Stonewalls, cemeteries/burial grounds and other significant historical and/or cultural features.
 - 9). Bodies of water and boundaries of wetland resource areas protected under the Massachusetts Wetlands Protection Act as well as associated buffer zones;
 - 10). Lines of existing adjacent streets, roads, private ways, easements, walkways, including both sidelines of roads, notation of width of roads, public or private status, and layout date, where applicable;
 - 11). Locations of buildings, structures and freestanding signs;
 - 12). Location of existing storm drainage structures, swales, detention/retention ponds, etc.
 - 13). Existing parking and loading areas, access ways, fire lanes, curbs, berms, curb cuts, planting islands;
 - 14). Existing utilities including water, sewer, electric, telephone, gas, cable TV;
 - 15). Existing fire hydrants or underground fire tanks;
 - 16). Existing trash collection facilities;
 - 17). Existing exterior lighting fixtures;
 - 18). Existing road and property bounds or other monumentation; and
 - 19). Legend.
- d. The Development Plan - The development plan shall show proposed changes in the (1) existing natural features; (2) existing man-made features and (3) existing legal features. The Development Plan may consist of several sheets. For example, grading and stormwater management provisions may be contained on one sheet, horizontal layout, zoning, etc. on another, elevation drawings of buildings on another. The development plan shall include:
- 1). Area in square feet of every lot;
 - 2). Lot dimensions;
 - 3). Location and dimensions of all buildings and freestanding signs as well as the distances from all buildings to lot lines, streets, or street right-of way;
 - 4). Stormwater management provisions, including detention/retention ponds, drainage structures, swales, pipes, etc.; provisions for meeting DEP Stormwater Management Policy, where applicable.
 - 5). Proposed topography at 1 or 2-ft contour intervals if regrading is proposed; spot elevations as necessary.
 - 6). Parking areas (including ADA requirements), loading, and circulation areas showing dimensions and layout of parking spaces, travel lanes, aisles, planting islands, and driveways.
 - 7). Curbing, curb cuts, berms.
 - 8). Sidewalks and walkways showing widths and materials;
 - 9). Utilities: water, wastewater, electric, telephone, gas, cable TV;

- 10). Dumpster or other trash collection facilities;
- 11). Outdoor illumination with lighting fixture size and type identified
- 12). Landscape plan, showing existing and proposed plantings. Planting schedule showing number, type, height, and characteristics of new plantings.
- 13). Fences, including description of construction and screening properties.
- 14). Connections and relationship between the development and abutting properties, such as shared access.
- 15). Location of freestanding signs with dimensioned drawings showing physical characteristics and lighting provisions.
- 16). Elevation drawings of buildings (side, front, and back for a typical unit) showing building height, materials, and any proposed wall signs and lights.
- 17). Signature block with five lines for Planning Board signatures and one date line.

2.2.4 Requirements for Structures Greater than 2,000 SF Gross Floor Area (GFA)

For projects with structures in excess of 2,000 s.f. GFA, the applicant shall submit a stormwater management design and drainage calculations as specified in the Board's Rules and Regulations Governing the Subdivision of Land

For projects generating 500 or more trips per day based on ITE Trip Generation standards for the proposed use, the applicant shall submit a Traffic Impact Report.

The Board may require a Traffic Impact Report for any application wherein the Board deems such information necessary to evaluate the impact of the proposal on adjoining streets and neighborhoods, to evaluate internal circulation and egress as they relate to traffic and pedestrian safety, and to make any necessary findings relative to site plan approval criteria.

2.2.4.1 Traffic Impact Report

The Traffic Impact Report shall include, without limitation, the following information for the study area:

Internal traffic flow analyses;
Existing average daily traffic and peak hour levels;
Analysis of average daily traffic and peak hour levels resulting from the project;
Analysis of existing and resulting intersection levels of service (LOS) using Institute of Traffic Engineers CITE) definitions;
Directional vehicular flows resulting from the proposed project;
Identification of any pedestrian/vehicular conflicts;
The methodology and sources used to derive data, estimations, and analytical results.

2.2.5 Minor Site Plans and Waivers of Technical and Administrative/Procedural Requirements

In accordance with Section 15.3 of the By-Law, the Board may, upon written request of the applicant, waive any of the technical requirements and/or the procedural requirements of these Rules and Regulations and of the By-Law, when the project is a simple development or minor site plan. Action by the Planning Board granting either approval or approval with conditions shall be sufficient evidence of an affirmative waiver by the Board of any of the filing requirements not fulfilled by the applicant.

Applicants requesting waivers shall make such requests at a Pre-Application Conference with the Board at a public meeting, in order that the Board and staff may make a determination at the application and review phase as to what constitutes a complete submission. If, after the application has been filed and during the review process and public meeting or hearing, the Board determines that additional information is required in order for the Board to evaluate the project, the applicant shall submit the desired information.

2.2.5.1 Waiver of Technical Compliance

Technical compliance shall mean compliance with the requirements for documents plans, or other materials prepared by technical professionals and/or containing technical information. The Board may, in its sole discretion, waive the submission, number, form, or content of specific required plans, reports or other materials required in these Rules and Regulations and may waive or reduce fees as it deems appropriate to the complexity of the project and to the costs of administration, processing and review.

2.2.5.2 Waiver of Procedural Requirements

Procedural requirements shall include, but not be limited to, the Board's requirements for holding a public hearing and/or giving notice of such hearing. For simple developments or minor site plans the Board may waive procedural requirements for a public hearing in accordance with M.G.L. Ch. 40A, §9. In lieu of a formal hearing, the Board may address the project at a public meeting and may, if it deems appropriate, notify direct abutters, i.e. owners of property directly abutting the site, by mail at the applicant's expense.

2.2.5.3 Required Information - Requests for Waivers

Requests for Waiver of Technical Compliance

Requests for waivers of technical compliance shall be in writing, and may be in the form of a document provided by the Board, which may be amended from time to time by the Board and/ or its staff. In addition to technical waivers for minor site plans, waivers of specific elements of technical compliance may be granted for larger projects where the information requested is not relevant to the proposal.

Requests for Waiver of Procedural Compliance

Requests for waivers of procedural requirements for a public hearing shall be in writing, and may be in the form of a document provided by

the Board, which may be amended by the Board and/ or its staff from time to time. Minor site plans requesting a waiver of procedural requirements shall be accompanied by a Request for Determination and Approval of Minor Site Plan as well as any other waiver request documents provided by the Board.

Although an engineered plan is not required at this stage, a sketch plan and/or any other plans, if available; a copy of the assessors' parcel map of the site; and any other pertinent information, such as permits and plans approved by other Boards and Commissions shall be submitted by the Thursday before the Planning Board meeting. Seven copies of plans and the Request for Determination and Approval of Minor Site Plan shall be submitted.

2.2.5.4. Planning Board Action

Waiver of Technical Compliance

If the request is for waivers of technical compliance only, the Board may grant waivers to submission requirements and fees, subject to further consideration after review of the complete submission during the public hearing.

Waiver of Procedural Compliance

If the request is for waiver of the public hearing procedural requirement and for Determination and Approval of Minor Site Plan status, the Board shall determine whether the proposal qualifies as a simple project/ minor site plan. If the Board determines that the project qualifies as a simple project/minor site plan, and the Board requires no additional information, no additional application form is needed and the Board may act on the plan at that meeting. Otherwise, if the Board deems the proposal a Minor Site Plan, but requires additional information, the applicant shall submit said information and materials. When the submittal is deemed complete, the Board shall review the project at a public meeting within 65 days of receipt of the complete submission and shall file its decision to approve, approve with conditions, or deny site plan approval, with the Town Clerk as specified in Section 6.0 of these regulations.

If the Board determines that the project does not qualify as a simple project or Minor Site Plan, the applicant shall be required to file in accordance with the normal provisions of Section 2 of these regulations and the Board shall follow procedures for a public hearing as specified in other sections of these regulations.

3.0 Review Procedure

3.1 Referral to Other Agencies and Consultant(s)

In addition to review by Planning Board staff, the Board will solicit review and comments from other Town agencies, Town Counsel and specialized outside consultants, as the Planning Board deems necessary according to the nature of the project.

The Board shall, within 7 days of receipt of a complete submission, distribute special permit applications to the Building Inspector/Zoning Enforcement Officer, Board of Health, Conservation Commission, Highway Department, Police Department, Fire Department, Zoning Board of Appeals and other municipal boards and officials as the SPGA shall deem appropriate, for their comments and recommendations. In order to organize discussion during the public hearing, initial comments and recommendations from the above agencies shall preferably be submitted to the Planning Board Office in writing within thirty-five (35) days of receipt by such board or agency. Comments on behalf of any of the above agencies may also be presented at the public hearing by the designated representative of said agency. These regulations do not preclude compliance with any other state or local laws or regulations administered by other agencies.

4.0 Fees

4.1 General

The Board shall, after a properly posted and advertised public hearing, establish fees for the administration and review of site plan approval applications, plans and other submissions and construction inspection of approved projects. The Board, after a public hearing, may from time to time vary these fees. The petitioner is responsible for all fees. The fee schedule shall be available at the Planning Board office. The petitioner is also responsible for the costs of the hearing advertisement, abutter notification, and consultant review. Advertising fees may be changed without public hearing, based on the current cost of advertising in a newspaper of general circulation in Westport. Abutter notification fees may be changed without hearing, based upon the current cost of certified mailing by the U. S. Postal Service. Separate checks will be required for each fee. Where Site Plan Approval is required as part of another permitting process of the Planning Board and hearings are held concurrently, the Board shall adjust fees so that they are not duplicative.

4.2 Consultant Review Fees (CRF's)

4.2.1. Purpose

When reviewing, analyzing and processing an application for site plan approval, the Board will require the assistance of outside consultants according to the size, scale, complexity or potential impacts of a proposed project, or because the Town lacks the necessary expertise to perform the review work related to application for site plan approval. The applicant shall be responsible for depositing with the Board an amount sufficient to cover the anticipated expenses for Consultant Review. Depending on the nature of the application, the Consultant Review Fee (CRF) may be set by the Board's fee schedule or by cost estimate by the consultant and Board. This fee is to be deposited into a special account as enabled by M.G.L. Chapter 44,

§53G, referred to herein as the Consultant Review Fee (CRF) Account. The Board may engage engineers, planners, lawyers, designers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws and regulations and with professional engineering, legal and design practice. Review by the consultant(s) may include, but is not limited to: technical review and analysis of the application; monitoring and periodic inspection of a project or site for compliance with the Board's decision and regulations; inspection of a project during construction or implementation; and review of contracts, agreements or other legal documents or issues.

If the plan is approved, the Planning Board may decide that the assistance of outside consultants is warranted to observe and inspect the construction of required infrastructure and/ or required improvements that are not within the purview of the Building Inspector or other Town inspectors, due to the size, scale or complexity of the approved plan or because of its impact on the Town. If the Planning Board determines that construction observation/ inspection services are required, the applicant shall pay a construction observation/inspection fee prior to the issuance of a building permit. This fee shall not be a fixed amount but will vary with the costs incurred. This fee shall be the reasonable costs to be incurred to observe and inspect the construction of the proposed improvements including a contingency fee and shall be based on an estimate provided by the consultant.

4.2.2. Fee Administration Procedures

The applicant shall make an initial deposit upon submission of the site plan approval application. The applicant shall make subsequent additional deposits if projected or actual expenditures exceed the amount of the initial deposit. The Planning Board shall determine the initial deposit to be made and the amount of any additional funds required should the applicant's CRF account approach depletion. The Board may waive the initial deposit if the Board determines the services of an outside consultant may not be necessary. The waiver of the initial deposit will not preclude the Board from requiring a deposit if the Board subsequently determines is in need of an outside consultant. In such instances, the applicant will, upon request of the Board, immediately deposit an initial amount and any required subsequent amounts.

Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer, who shall establish a special CRF account for this project. Expenditures from this account may be made at the direction of the Board without further appropriation and shall be made only in connection with the review of a specific application or applications for which the review fee has been or will be collected from the applicant. Failure of the applicant to pay the review fee within fourteen (14) days following notification by the Board shall be grounds for denial of the application.

4.2.3. Expenditures and Refunds

Review fees may only be spent for services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. The Board shall notify the applicant of all expenditures from this account. At the completion of the review or, in the case of an approved project, at the completion of the project to the satisfaction of the Board, any excess amount in

the account, including interest attributable to a specific project, shall be repaid to the applicant or successor in interest to the applicant. For the purpose of this regulation, any person or entity claiming to be a successor in interest to an applicant shall provide the Board with documentation establishing such succession in interest.

4.2.4. Appeal of Consultant Selection

An applicant may file an administrative appeal of the selection of the outside consultant with the Board of Selectmen. The applicant must file any such appeal within seven (7) days following his receipt of notification by the Board of the selection of the consultant. The grounds for such appeal shall be limited to claims that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that the Board of Selectmen makes no decision within one month following the appeal, the selection made by the Board shall stand.

5.0 Procedures

5.1 Relationship to Other Regulatory Approvals

The Planning Board shall evaluate all site plans for uses subject to Site Plan Approval. If a variance, finding, or special permit for a project is required to be issued by the Zoning Board of Appeals, it shall be obtained prior to application for Site Plan Approval.

5.2 Public Hearing

5.2.1 Hearing Procedure

Within 65 days after the date of filing of a complete Site Plan Approval Application and all required materials, plans, documents and fees to the Board, the Board shall hold a public hearing in accordance with Sections 9 and 11 of M. G. L. Chapter 40A. No hearing shall be held on the day of an election, primary, caucus, annual town meeting or special town meeting in the Town of Westport. Notice of time and place as well as the subject matter of such hearing shall be given by the Board at the expense of the applicant in a paper of general circulation in the Town of Westport, once in each of two successive weeks, with the first notice being not less than 14 days before the day of such hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the hearing. Notice shall also be sent by mail, postage prepaid, to parties in interest (the petitioner, owner, abutters, owners of land directly opposite on any public or private street or way, abutters to abutters within three hundred (300) feet of the property line of the petitioner, notwithstanding that the land of such owner is located in another city or town, and the Planning Boards of Fall River, Dartmouth, Tiverton and Little Compton).

The time limit for the public hearing may be extended by a written agreement between the applicant and the Board. A copy of any such agreement, signed by both parties, shall be filed in the office of the Town Clerk.

5.2.2 Joint Hearings

The application for Site Plan Approval may be considered at a public hearing held jointly and concurrently with other town boards or concurrently with a special permit hearing by the Planning Board on the same project.

5.2.3 Representation at Hearings

An applicant, or a party in interest, may appear in his own behalf or may be represented by an authorized agent or attorney. In the absence of an appearance on behalf of an applicant, without cause, the Board may deny an application or decide on the basis of available information otherwise received.

5.2.4 Public Hearing Rules of Procedure and Voting

The public hearing shall be convened at the time and place set forth in the notice, at which time the Chairman or the Clerk of the Board shall, unless waived, read aloud the notice of the hearing and the Chairman may summarize the following rules of procedure of the hearing for those in attendance:

- a. The petitioner, or the petitioner's representative shall be given the opportunity to present the details of the proposal to the Planning Board, during which time only Board members and planning staff may ask questions or seek clarification. During the presentation the petitioner shall provide the Board with data, documentation, and testimony demonstrating that the proposal meets the standards set forth in the Zoning By-Law and regulations for Site Plan Approval;
- b. The Planning Board Chairman may request or read reports from the planning staff, the Planning Board's consulting engineer and other boards or departments;
- c. The Planning Board Chairman shall allow reasonable discussion between the petitioner, the Board, and the planning staff on any reports, comments, or recommendations;
- d. The Planning Board Chairman shall then allow others in attendance at the hearing to make comments, ask questions, or seek clarification. All questions or comments from those in attendance shall be directed to the Chairman of the Board. Persons wishing to be heard during this portion of the hearing shall state their name and address for the record prior to speaking;
- e. Following the presentation and discussion on the petition the Chairman may ask for a motion that the hearing be closed, or in the event additional information or testimony is required, may request a vote that the hearing will be continued to a later meeting, the time and place of which will be stated to those in attendance;
- f. Following the close of the public hearing the Chairman may announce that the Board will deliberate on the matter of the petition later in the same meeting or

during a subsequent meeting of the Board the date of which shall be given, and that a decision on the petition will be filed with the Town Clerk as expeditiously as possible taking into account the circumstances and complexity of the factual and legal issues developed during the hearing.

The affirmative vote of at least three (3) members of the Board shall be required to authorize a Site Plan Approval. The record shall show the vote of each member or indicate if absent or failing to vote. The decision shall state clearly the reasons for the action, and shall include any specific findings made by the Board and/or required by the Zoning By-Law.

6.0 Decision

The decision of the Board shall be made within 90 days following the date of the closing of the public hearing. Failure by the Board to take final action by filing said decision in the office of the Town Clerk within ninety days (90) days following the date of the public hearing shall be deemed to be a grant of the Site Plan Approval requested. Notice of the filing of the decision shall be sent to all parties in interest. The notice shall specify that appeals, if any, must be made pursuant to Article 15 of the Zoning By-Law and any applicable state law, and that such appeal must be made within twenty (20) days of the filing of the decision with the Town Clerk.

The Board may dispose of the application in the following manner:

- a. Approve a Site Plan,
- b. Deny a Site Plan,
- c. Approve a Site Plan with terms and conditions set forth in the decision.

The Planning Board may issue a Site Plan Approval subject to such conditions or safeguards, including limitations of time and use, as the Board shall deem to be reasonably necessary. Any such conditions shall be stated in the decision.

Eleven (11) copies of the final approved plans shall be provided to the Planning Board within 21 days of the decision. The Planning Board shall distribute copies of its decision, with any conditions, and the approved plans as follows:

Planning Board - 2 sets
Building Inspector - 1 set
Board of Health - 1 set
Conservation Commission - 1 set
Assessors - 1 set
Police Dept. - 1 set
Fire Dept. - 1 set
Highway Dept. - 1 set
Engineering Consultant - 1 set
Zoning Board of Appeals - 1 set

7.0 Withdrawal of Application

An applicant may withdraw an application without prejudice by submitting written notice to the Board requesting such withdrawal prior to the first publication of the notice of the public hearing. The letter requesting such withdrawal shall be attached to the subject application and filed with the Town Clerk. All unused filing, notification and review fees shall be returned or may be credited toward a future re-application. If the request is received after the Planning Department has delivered the notice to the newspaper for publication, and/or mailed notices to parties in interest, the advertising and notification fees shall not be returned to the petitioner. If received after consultant review has begun, only unused review fees shall be returned.

After such public notice, withdrawal of an application without prejudice shall be permitted only with the approval of a majority of the Board. The petitioner shall present a letter to the Board requesting such withdrawal; the Board, upon convening the public hearing shall vote to accept or deny such request, and shall notify the petitioner in writing of such action. Such a vote shall not constitute unfavorable action. Said notice shall be attached to the subject application and letter requesting withdrawal, and filed with the Town Clerk. One half of the filing fee maybe returned to the petitioner with approval of the Board. Advertising, notification and expended review fees shall not be returned.

8.0 Reconsideration

No vote on an application may be reconsidered after the meeting has adjourned.

The Board may, however, correct inadvertent or clerical errors in its written decision that do not change the result of the original decision.

9.0 Appeals

If the Board approves the site plan, any person aggrieved may appeal within the time period and to the appropriate authority as set forth in Article 15 of the zoning by-law and in the Mass. General Laws. Appeals of a Site Plan Approval decision for a use allowed by right in the Westport Zoning By-Laws is to the Westport Zoning Board of Appeals. Appeals of Site Plan Approval decisions tied to a special permit are to the court in the form, content and manner provided in M.G.L. c. 40A, §17, if allowed by the court, or in accordance with any other statutory provision that may be enacted by the legislature governing site plan approval/review. If the Board denies the site plan, or approves it with unacceptable conditions or requirements, the applicant may appeal in the same manner. Notice of such appeal must have been received by the Town Clerk within the twenty (20) day period.

10.0 Lapse of Site Plan Approval

No Site Plan Approval shall be authorized by the Board without the express condition that it will lapse if substantial use under the approval is not commenced within two (2) years from the date that the site plan approval was granted except for good cause or the final determination of an appeal.

11.0 Extension of Site Plan Approval

Prior to the expiration of the Site Plan Approval, the applicant may apply for an extension of the Approval for a period not to exceed one (1) year. Requests for extension may be

made in such form as the Planning Board shall require. The applicant may apply for an extension of the Approval if a substantial use thereof has not commenced for good cause.

12.0 Effective Date of Site Plan Approval

- ✗ No Site Plan Approval shall take effect until twenty (20) days have elapsed after the filing of the decision and no appeal has been filed with the Town Clerk.

13.0 Modifications to Site Plan Approval

A Site Plan Approval granted by the Planning Board may be modified in the following manner:

13.1 Minor Changes:

Changes in plans or conditions attached to a Site Plan Approval which are deemed by the Planning Board to be minor in nature and which are in compliance with the provisions of the Zoning By-Law may be allowed following presentation to the Planning Board Office of drawings denoting such changes accompanied by a narrative description, including the reason such changes are necessary. Planning Staff may consult with other town boards or departments and make a recommendation to the Planning Board. The Planning Board will make its decision regarding such requested changes, and announce its reasons therefore, at a regularly scheduled public meeting. The Planning Board may vote to approve such changes only if it finds that the scope and nature of the original approval has not been expanded.

13.2 Major Changes:

Changes in plans or conditions attached to a Site Plan Approval that are deemed by the Planning Board to be significant in terms of size or location of the building(s), relocation of access and exit curbs, overall parking layout, landscaping and buffers, overall appearance of the building, or intensity of use, or in the conditions specifically addressed in the decision by the Planning Board, shall be the subject of a petition to modify the approval and shall follow the same procedures for notice, public hearing, and decision as for the original approval. The petition shall be accompanied by the advertising, filing, notification and review fees.

14.0 Coordination with Consultant

Should the project receive site plan approval, the Board shall submit the plan to its Consultant Engineer for inspection during the construction phase. Before any construction activity commences, the applicant is responsible for contacting the Board's consultant for an on-site meeting, which is a prerequisite for construction to proceed. The Building Inspector and Planning Board Office shall also be informed of the date and time of this on-site meeting.

15.0 Certificate of Occupancy

No occupancy permits shall be issued for any building or structure or portion(s) thereof, until:

- a. The Building Inspector and Planning Board receive certification from a registered architect, engineer or land surveyor, that all construction (including utilities) has been done in accordance with the approved site plan (not required for plans determined to be Minor Site Plans by the Planning Board);

- and
- b. The Building Inspector and Planning Board Engineering Consultant verify that all conditions of the approved site plan have been met.

16.0 Surety for Incomplete Work

Notwithstanding the requirements of Section 15.0 above, an occupancy permit may be issued if the only incomplete work shown on the site plan is exterior, cosmetic, or landscaping, and if surety, the amount to be set by the Planning Board at a regular meeting, is posted to ensure that the incomplete work is completed within a reasonable time. The Planning Board shall establish a deadline for completion of not more than one (1) year from posting of surety. The Planning Board may, at its discretion, allow surety to be posted for site work in addition to landscaping if an unusual or unexpected event prevents the applicant from completing the site work. This allowance is subject to review by the Planning Board and a site inspection to ensure the health and safety of those who occupy the structure(s) and use the site.

In no event may surety posted under the Planning Board's regulations be used for incomplete stormwater management areas or for completion of site work required by another Town Board or Commission. The amount of the surety shall reflect the estimated cost to the Town of Westport for completing the work or remediating damage caused by construction activities should the applicant fail to do so. If the Planning Board requires surety, a deposit of funds shall be made with the Town of Westport in an amount set by the Planning Board. The required funds shall be deposited in this account prior to the issuance of an occupancy permit. Upon the submission of the as built plans, an electronic copy of the as-built plans, the certificate required under 15.0 (a), and a final inspection, the Planning Board shall vote to release the applicant from the performance obligation.

17.0 Enforcement

Violations of the provisions of Site Plan Approval Zoning By-Law and regulations promulgated there under shall be enforced pursuant to Article 2, Section 2.0 Enforcement of the Westport Zoning By-Law.

18.0 Waiver of Full Compliance

The Board may waive full compliance with these regulations provided such waivers are deemed to serve the public interest and do not conflict with the provisions of the Westport Zoning By-Law governing Site Plan Approval.

19.0 Severability

Should any section of these Rules and Regulations be held invalid, it shall not affect the validity of any other section of these Rules and Regulations.

20.0 Detailed Performance Standards

The site plan shall seek to achieve the following design standards. The Planning Board shall have authority to waive or alter any of these requirements as it deems necessary or appropriate in particular cases upon a finding that said waiver or alteration is in the public

interest and not inconsistent with the intent of Article 15 of the Zoning By-Laws. The use of United States Green Building Council (Leadership in Energy and Environmental Design) certification and/ or standards is highly encouraged.

20.1 Natural Features

Proposed site contours shall approximate the character of the natural site and the proposed development shall attempt to minimize the following:

- a. The volume of cut and fill;
- b. The number of removed trees;
- c. Pollution of surface waters and groundwater;
- d. The area of wetland vegetation displaced;
- e. The degree of soil erosion;
- f. The area of impervious surface; and
- g. The amount of stormwater runoff from the site.

20.2 Relation of Buildings to Environment

The proposed development shall visually relate to its environment; consideration shall be given to appropriate scale, massing, and height to ensure that the architecture shall be in harmony with the surrounding natural environment and neighborhood.

20.3 Vehicular Circulation

Vehicular circulation shall be designed to provide safe, efficient, and economical transportation. Access and circulation shall adhere to the following standards:

- a. Vehicular and pedestrian circulation layout shall be designed to reduce traffic hazards to pedestrians and vehicles both on and off the site.
- b. The layout of parking areas and access ways shall be designed to minimize through traffic movement, excessive vehicular travel, excessive speed and areas of conflict between backing movements and through traffic.
- c. Ingress and egress points, commensurate with safety, shall be kept to a minimum along major abutting streets, and preferably be limited to one point of entry per street, except when separate entrance and exit driveways are deemed necessary to safeguard against hazards and to avoid congestion. At the main entrance one combined entrance/exit location is encouraged to facilitate traffic movement. Such an entrance may be divided by a landscaped traffic island with separate entering and exiting movements. Additional access points may be granted by the Planning Board particularly for, but not limited to, large tracts and projects of extensive scope, if traffic flow in the street will be facilitated by the additional connection, and upon finding that due to topography, location, or other unusual conditions affecting the property, the requirements of this Section would unreasonably restrict the use of the property or would be detrimental to the orderly development of the area.
- d. Curb cuts shall be located on secondary streets where possible and where appropriate in relation to the abutting uses in the neighborhood.
- e. Commercial access shall not be provided through residential areas unless authorized by the Board.
- f. Curb cuts should be 24 feet wide unless required to be wider by MassHighway or by vehicular requirements specific to the proposed use. Where curb cut permits

are required from MassHighway, the applicant shall coordinate the application to the state with the Planning Board's review of the site plan.

- g. Access, parking and circulation areas shall be constructed to adhere to existing topography to the greatest extent practicable.

20.4 Access Connections

- a. Separation between access connections on all collector and arterials shall be based on the posted speed limit in accordance with the following table:

<i>Posted Speed Limit (MPH)</i>	<i>Access Connection Spacing (Feet)</i>
20	85
25	105
30	125
35	150
40	185
45	230
50	275

- b. The width of the access connections at the property line of the development shall not exceed 24 feet, unless the traffic impact study identifies, and the Planning Board agrees to, the need for turning lanes from the development onto the adjacent public road or unless MassHighway requires a wider access on a State highway.
- c. The access connection shall provide a minimum distance of 40 feet in depth between the property line and the beginning of any parking areas, turning areas and/or stacking lanes within the development.
- d. For a site at an intersection where no alternatives exist, such as joint or cross access, the Planning Board may allow construction of an access connection at a location suitably removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/ right out only and/ or a restrictive median) as required by the Planning Board.
- e. A system of joint use driveways and cross access easements shall be established wherever feasible and the proposed development shall incorporate the following:
 - A service drive or cross access corridor extending the width of the parcel;
 - A design speed of 10 mph and sufficient width to accommodate two-way travel aisles;
 - Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- f. Entrance and exit driveways shall be so located and designed as to achieve maximum distance from existing and proposed access connections from adjacent properties.
- g. Where possible, accessways shall be aligned directly opposite similar accessways.
- h. Sharing of access ways by adjoining properties and uses is encouraged.
- i. Left-hand turns and other turning movements shall be minimized.

- j. Accessways shall be so located and designed as to discourage the routing of vehicular traffic to and through residential streets.
- k. Pedestrian and bicycle circulation shall be separated from motor vehicle circulation as far as practicable.

20.5 Pedestrian Circulation

- a. Safe, convenient and contiguous pedestrian connections between uses shall be provided, as the Planning board deems appropriate and advantageous to reducing vehicle trips.
- b. Pedestrian connections shall be provided between roadside sidewalks and entries to buildings and within parking areas.
- c. Sidewalks shall ordinarily be provided along streets used for pedestrian access to schools, parks, and shopping.
- d. Sidewalks shall be separated from the roadway edge by a border area or planting strip of at least five (5) feet to increase pedestrian safety.
- e. Sidewalks shall meet the regulations of the Massachusetts Architectural Access Board, 521 CMR Sections 20,21 and 22, as applicable. Sidewalk ramps for handicapped accessibility shall be provided where appropriate.
- f. On State highway layouts provision of sidewalks will be subject to approval by MASS Highway.

20.6 Parking and Loading Areas

- a. Parking areas shall be designed so that vehicles may exit without backing onto a public street.
- b. Parking areas shall be designed so that sanitation, emergency, and other service vehicles can serve such developments without backing unreasonable distances; making hazardous turning movements; and without interfering with routine traffic circulation.
- c. Parking areas shall be designed so that vehicles cannot extend beyond the perimeter of such areas onto adjacent properties or public rights-of-way. In parking areas with eight (8) or more spaces, individual spaces shall be delineated by painted lines, wheel stops, or other means acceptable to the Planning Board.
- d. Circulation within parking areas shall be designed so that vehicles may proceed safely without danger to pedestrians or other vehicles.
- e. Parking areas shall be designed to reduce their visual impact from adjacent land uses and from public ways by the use of vegetative buffers, berms, structural screening, such as a fence, or a combination of the above.
- f. Parking areas shall be designed to provide visual relief from large areas of unbroken pavement by including landscaped islands within the parking area.
- g. Parking and loading requirements are subject to the standards of Article 5 and/or other pertinent sections of the Westport Zoning Bylaw.
- h. All access drives, parking and loading and construction areas shall be graded, paved, and drained in accordance with standards enumerated in the Rules and Regulations governing the subdivision of land.

20.7 Traffic and Trip Reduction Standards

The proposed use shall not degrade the existing levels of service of surrounding roads and intersections below Level of Service (LOS) D, based on peak-hour traffic

volumes. When the proposed LOS is below LOS D, the proponent shall propose mitigation to maintain or improve performance indicators. Traffic data shall be submitted by a registered Traffic Engineer.

20.6.1 Landscaping, Buffers and Screening

- a. Landscape design shall give preference to the preservation of existing healthy trees, shrubs and groundcover. Cut and fill shall be minimized and abrupt grade changes avoided. All open space shall be landscaped with a variety of plant material and maintained accordingly. Trees and shrubs that die shall be replanted during the next growing season.
- b. Perimeter Buffer - A minimum landscaped buffer of 10 feet in depth, designed to mitigate the impact of a business use on abutting property in the Residential/Agricultural District or residential uses in the Business District, shall be required along the side and rear property lines abutting those uses. If effective natural vegetative buffers already exist, the Board may waive new plantings, but require the existing buffer to be maintained. If neighboring land uses are insensitive to the uses and development proposed on the subject site, the Board may waive or reduce the buffer area. Where space is a constraint in the opinion of the Planning Board, fencing will be allowed in lieu of a landscaped buffer. The nature and design of the fence is subject to the Planning Board's approval.
- c. Street frontage landscaped buffer -A landscaped buffer area, continuous except for approved accessways, at least 20 feet in width as measured from the layout of the roadway, shall be established adjacent to any public road. The buffer area shall be planted with groundcover, low shrubs (3 feet maximum height), and high-branching (6-8 feet above ground) shade trees planted at least every thirty-five (35) feet along the roadway. Plants shall be chosen, planted and maintained so as not to block the line of sight of drivers entering and exiting the site or at road intersections. In areas where landscaping is required to be incorporated into the street layout, this buffer area may be waived or reduced by the Board. In areas where front yard building setbacks under the Zoning By-Law are less than 20 feet, the Board may waive this requirement.
- d. Parking areas with more than ten (10) spaces shall contain 150 square feet of planted areas for every 1000 square feet of parking proposed, appropriately situated within the parking area. The landscaping is intended to soften the visual impact of large expanses of parking, to shade the pavement to counter heating effects, and to create a safe environment by helping to guide circulation of vehicles and pedestrians. Landscaping shall be provided at the rate of one (1) shade tree per ten (10) spaces; such trees shall be located within the paved area of the parking lot with no less than 40 square feet of soil or permeable surface area per tree, each within a bermed island, or within 5 feet of the paved area. The varieties of trees shall be approved by the Board or its agent. The trees shall be maintained by the owner or lessee of the property and shall not be cut down or removed when a lot is reconstructed or enlarged. Said trees may be moved to another location on the lot upon approval of a Site Plan by the Planning Board.

- e. Deciduous trees shall be at least three (3") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees used for screening shall be expected to reach a height of 20 feet within ten (10) years after planting. Evergreen trees used for screening shall be a minimum of eight (8') feet in height at the time of planting. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting, and have a spread of at least 18 inches.
- f. When choosing and installing trees, smaller varieties shall be planted under utility lines and interference with underground utilities shall be avoided.
- g. Groundcover plantings are preferable to mulch where practical. Large areas of lawn are not desirable. Plantings with lower requirements for irrigation, fertilizing and pesticide use are encouraged. Plants with similar cultural requirements should be grouped together.
- h. Native species are preferable where practical. Noxious and invasive species shall not be planted.
- i. Service facilities such as: garbage collection, recycling containers, refrigeration units, utility areas and other facilities shall be screened around their perimeters. Screening may consist of fencing and/ or natural vegetation. The screening shall have an effective height and width to block said service facility from public view, both from within the site and from adjacent properties.

20.9 Outdoor Lighting

Regulation of outdoor lighting is intended to: enhance public safety and welfare, complement the character of the town, reduce glare, minimize light trespass, and reduce energy waste.

20.9.1 Definitions

Color Rendering Index (CRI): A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100, where 100 represents incandescent light.

Cutoff angle: The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

Direct Light: Light emitted from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/ or a refractor lens, or diffuser lens.

Fully-Shielded Luminaire: A lamp and fixture assembly designed with a cutoff angle of 90°, so that no direct light is emitted above a horizontal plane.

Glare: Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

Height of the luminaire: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected off other surfaces not part of the luminaire.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located.

Lumen: A measure of light energy generated by a light source. One foot-candle is one lumen per square foot. For purposes of these regulations, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture.

20.9.2 Lighting Standards

- a. Access ways, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons.
- b. Any luminaires with a lamp or lamps rated at a total of more than 2,000 lumens shall be of a fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.
- c. All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
- d. Energy-efficient lighting is encouraged.
- e. Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting, which may include colored lamps, such as holiday lighting.

20.10 Other Utilities

For large developments, the Planning Board may require underground utilities.

20.11 Stormwater Management

The stormwater management system shall adhere to the standards of the Westport Rules and Regulations Governing the Subdivision of Land, the Dept. of Environmental Protection's Stormwater Management Policy, EPA NPDES Phase IT, and any additional by-law or regulation of the Town. Where regulations conflict, the more stringent regulation shall apply. Runoff shall be recharged onsite by being diverted to vegetated surfaces for infiltration, or through the use of detention ponds. Drainage provisions shall be designed to remove oil, grease and sediment prior to discharge to the ground. Best management practices such as bio-retention areas, rain gardens, filter strips, swales and constructed buffers are encouraged. All drainage

systems shall be maintained on a regular basis. Operation and maintenance plans for all stormwater systems on site shall be provided

20.12 Erosion Control

Erosion of soil onto public ways and into streams and water bodies shall be prevented by the following measures:

- a. The area and duration of soil exposure during construction shall be kept to a minimum;
- b. Temporary erosion control measures such as hay bales, fabric filters, and crushed stone construction entrances shall be used during construction;
- c. Exposed or disturbed areas shall be permanently stabilized within six months of occupancy.
- d. Permanent vegetation and mechanical erosion control measures shall be installed as soon as possible after construction ends.
- e. Erosion control plans shall be provided and coordinated with any such plan as required by the Conservation Commission.

20.13 FIR Safety and Protection

Fire and emergency vehicle access shall be provided to each building shown on the site plan--normally to two sides of each building. Said access shall meet the dimensional requirements of the Westport Fire Department. The emergency access shall be maintained and kept in a passable condition at all times. Fire tanks, dry hydrants or other fire protection measures shall be required for all developments so specified by the Fire Department. Fire protection designs shall contain the engineer's seal and signature.

20.14 Pollution and hazardous materials

Where applicable, the applicant shall maintain a hazardous materials plan on file with the Fire Department. The purpose of the plan is to assist the Town with necessary information in the event of a spill, fire, or other emergency and to ensure compliance with the Zoning By-Laws.

20.15 Architectural/Building Design

- a. Architectural details of new buildings and additions, and the wall and roof materials should be harmonious with the building's overall architectural style and should preserve and enhance the character of the surrounding area.
- b. The mass, proportion and scale of the new building or addition, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area.
- c. The design of new buildings, structures and additions shall complement, whenever feasible, the general setback, roofline, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.
- d. Long horizontal facades should be avoided by incorporating recesses and projections, of a minimum of one foot and six inches in depth; entrance ways

should be emphasized by use of rooflines, changes in materials, landscape treatments or other architectural elements; franchise architecture with highly contrasting color scheme, non-traditional forms, reflective siding and roof materials should be avoided; drive-through elements should be architecturally incorporated into the building; drive-through elements generally should not face the street; the material used for additions should complement the materials of the original structure. Solar collection panels and green roofs are encouraged.

- e. Rooflines: For steep pitched roofs, pitches between 6:12 and 12:12 are recommended; roof edges on low-slope roofs shall be defined with architectural detail; for roof pitches greater than 4 inches vertical to 12 inches horizontal, roof colors should be earth tones or a color that is darker than the facade and garish roof colors should not be used; visible roofing materials should complement the color and texture of the building's facade; roof mounted mechanical equipment should be screened from public view or grouped at the rear of the structure where visibility is limited.
- f. Building Signs: simple geometric shapes should be used for signs; signs should be limited to two or three contrasting colors that complement the colors on the building; garish colors should be avoided; carved wood signs are encouraged; internally illuminated signs should not be whole panels that are lit, thus constituting light fixtures in their own right; lighting fixtures illuminating signs should be located so light is directed only onto the sign facade.

21.0 Supplemental Performance Standards for Central Village

21.1 Purpose

Central Village has grown incrementally with individual enterprises and diverse types of business and residences. It has been fortunate that the businesses and housing that have located in Central Village have been mindful of the character. The purposes of these performance standards are to:

- a. Preserve the character of Central Village by providing guidelines and standards for future developments in the village.
- b. Preserve the quaintness, charm and grace of Central Village.

21.2 Objective

The objective of these additional design standards is to provide citizens, landowners, business owners and developers with clear expectations for development and redevelopment. The architecture and site design of a project should subsequently contribute to the established design character of Central Village.

21.3 Applicability

These standards are to be applied to development and redevelopment on parcels within Central Village requiring Site Plan Approval from the Board in addition to the Detailed Performance Standards found above in section 20.0 of these Regulations. Central Village is defined as the area located in the Business District bounded to the south by an east-west line 50' parallel to and south of Kaila's Way; to the east by Route 88; to the north by the northern boundary of the

Business District; and to the west by a line 1,000' from the westerly line of Main Road, currently the boundary of the Business District. See map below.

If there is a conflict with provisions of Site Plan Review, these Supplemental Performance Standards shall supersede.

21.4 Detailed Performance Standards

In addition to the Detailed Performance Standards found in Section 20.0 of the Rules and Regulations of the Westport Planning Board for Site Plan Approval, an applicant for Site Plan Approval for development or redevelopment on a parcel located within Central Village shall also seek to maintain the Central Village Character by striving to achieve the following design standards:

- a. General Character and Context
 - 1). See above section 20.2 Relation of Buildings to Environment.
 - 2). Development proposals will be reviewed with respect to their response to the physical characteristics of the site and to the contextual influences of the surrounding area. Both the physical site characteristics and the contextual influences should be considered early and throughout design development.
 - 3). Building and site design should take into consideration the unique qualities, history and the dominant character of the surrounding area.
 - 4). Proposals should follow local development patterns, taking into consideration items such as the open spaces on parcels, common setbacks and streetscapes.
 - 5). The proposed development should be of appropriate scale compared to the massing of existing structures on their respective parcels in Central Village. It should respect the patterns and character of existing and planned development in the immediate area.
- b. Architectural/Building Design
 - 1). New architecture should consider traditional New England architecture as seen in existing structures in Central Village, including but not limited to design elements such as proportional windows, wooden shingles, traditional rooflines, and the Colonial style.
 - 2). Buildings that are stylized in an attempt to use the building, or portion of the building to identify a particular user is generally discouraged, particularly where the proposed architectural design is the result of a corporate or franchise prototype design.
- c. Site Features and Layout
 - 1). See above section 20.1 Natural Features.
 - 2). Site designs should be sensitive to adjoining land uses.
 - 3). Structures should be oriented and designed architecturally to follow the existing grade of the land as is currently seen in Central Village.
 - 4). Proposed site contours shall follow the natural contours of the site.
 - 5). Every effort should be made to preserve existing trees, vegetation, topographic features, drainage, and undisturbed natural areas in the site design.

- 6). Off-street parking, gas pumps, and drive through windows should be located to the side and rear of building, thereby being effectively oriented away and screened from public view and not located within the front setback.
 - 7). Walkways shall be provided to accommodate pedestrian movement.
 - 8). Shared driveways are encouraged to reduce the number of curb cuts.
 - 9). Walkways and drives should be designed in a manner to encourage interconnectivity between abutting properties.
 - 10). Landscaping, Buffers and Screening
 - 11). See above section 20.8 Landscaping, Buffers and Screening
 - 12). Service areas, storage areas and refuse enclosures should be oriented away from public areas and screened from public view.
 - 13). Gravel/crushed stone driveways are appropriate for smaller projects.
 - 14). Stone walls should be maintained and incorporated into site design.
 - 15). Frontages incorporating high-branching shade trees and stone walls along the street line are encouraged in Central Village.
- d. Renovations of Existing Structures
- 1). The adaptation and reuse of existing buildings of both functional and stylish historic design has maintained village character and should continue to do so.
 - 2). When renovations are considered to introduce new uses into existing structures, the newly constructed portion of the building should appear as an originally conceived part of the design.
 - 3). New additions should match the scale and reflect the proportions of the original structure where they adjoin or are adjacent.
 - 4). New additions should match the historic architecture of the existing building and other structures located in Central Village.
- e. Lighting
- For the provision of safe and attractive illumination, lighting shall be designed at a pedestrian scale to illuminate the sidewalk area and buildings without creating excessive light impacts.
- 1). See above section 20.9 Outdoor Lighting.
 - 2). Lighting shall be in a style that is compatible and complementary to the surrounding architectural style and character.
 - 3). Lighting fixtures shall not exceed 15 feet in height in smaller parking lots (fewer than 40 spaces), along pedestrian paths, and at building entrances. Elsewhere, fixtures shall not exceed 24 feet in height.
- f. Signage
- Signs in Central Village shall enhance the physical appearance of the area and individual developments and shall be permitted as follows:
- 1). See above section 20.15.f Building Signs
 - 2). Signage should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of the Central Village streetscape.
 - 3). All signage should be designed to avoid visually competing with the buildings on the site.

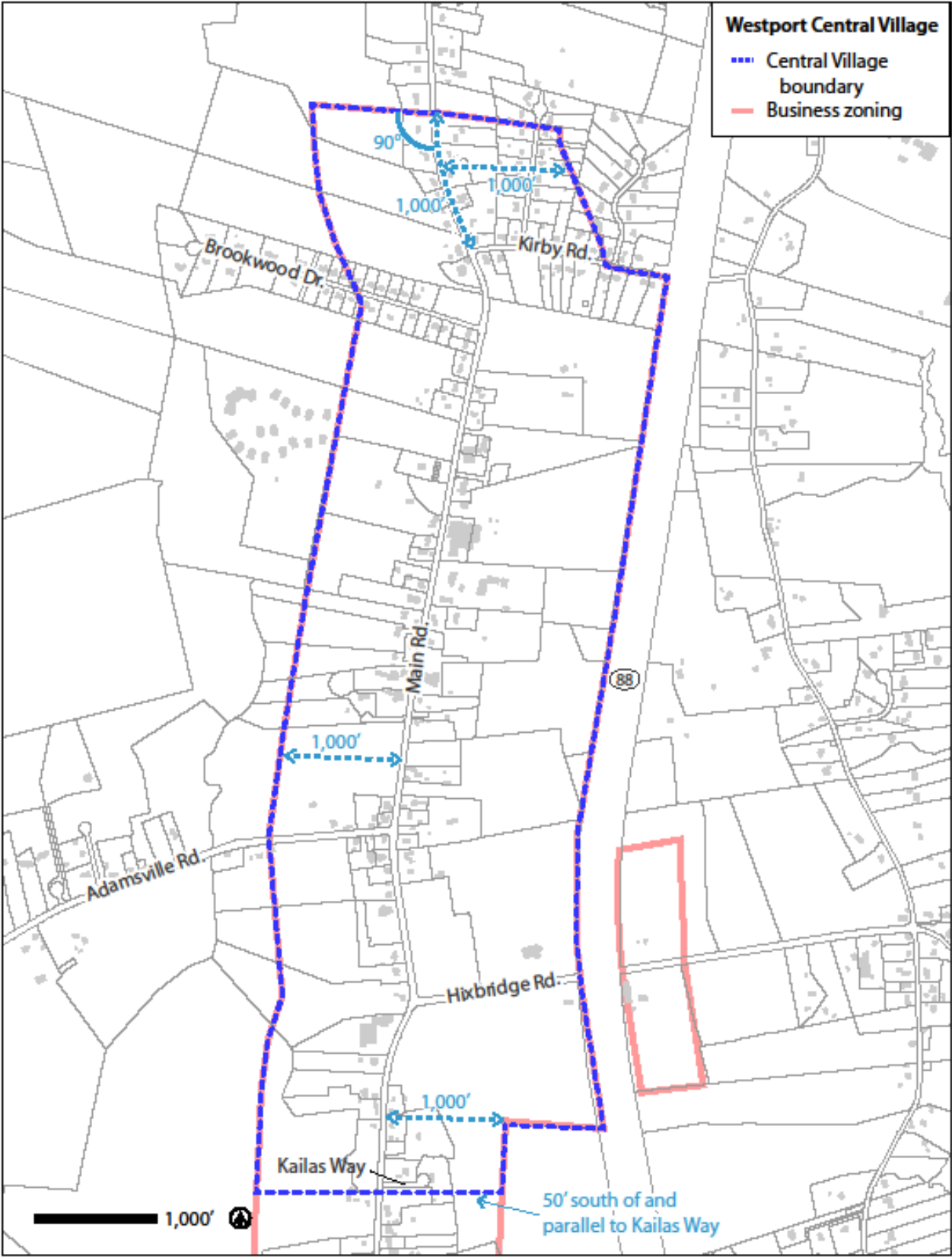
- 4). No elements that flash, move, or change in brightness should be used.
- 5). When more than one sign is provided, their designs shall be coordinated in terms of graphic style, color and materials.
- 6). Wall signs shall be designed to fit within the architectural features of the building façade, such as cornices, horizontal trim, storefront bays, etc. A wall sign should not cover architectural features of the building.

21.5 Decision Making Criteria

The Planning Board shall include in its review and decision of a Site Plan Review application for development located in Central Village the extent to which a developer has preserved the character of Central Village. The Board shall find that the site plan:

- a. Incorporates the unique qualities, history and dominant character design qualities associated with Central Village.
- b. Considers the physical site characteristics and the contextual influences in the site layout.
- c. Respects the patterns and character of existing and planned development in the immediate area.
- d. Considers architecture as seen in existing structures in Central Village.
- e. Depicts site layout that is sensitive to adjoining land uses.
- f. Preserves existing trees, vegetation, topographic features, drainage, and undisturbed natural areas in the site design.
- g. Provides walkways to accommodate pedestrian movement and encourage interconnectivity between abutting properties.
- h. Adequately screens from public view service areas, storage areas and refuse enclosures.
- i. Preserves or improves the Central Village street view by maintaining stone walls along the street line or incorporating them into site design.

21.6 Map of Central Village



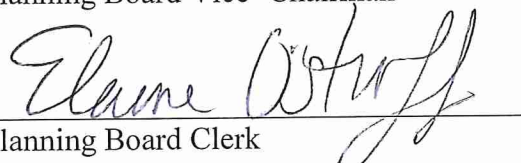
Originally adopted on January 11, 2007 by majority vote of the Westport Planning Board: John Montano, Chairman; Wayne Sunderland, Vice Chairman; Phil Hudner, Clerk; Greg Franchetti and Timothy Gillespie, members.

Amended on January 28, 2014 to include section 21 and edits to pagination and paragraph numbering by a majority vote of the Westport Planning Board James T. Whitin, Chairman; William D. Raus, Vice Chairman; Elaine Ostroff, Clerk and David Cole member.

WESTPORT PLANNING BOARD


Planning Board Chairman


Planning Board Vice -Chairman


Planning Board Clerk


Planning Board Member

vacant
Planning Board Member



Filed in the Office of the Town Clerk on February 6, 2014

Marlene Samson, Town Clerk
SPA Rules & Reg's final 1-18-2007; Rev 1-28-2014