
ARTICLE 15:

Site Plan Review

1510 PURPOSE

Each use for which a site plan submission is required is a potentially significant addition to a developing or developed area of the town, and to a residential, commercial or industrial neighborhood. The purpose of site plan review special permit is to ensure the design and layout of certain developments permitted as a matter of right or by special permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment. It is intended that the site plan for each use be prepared with due consideration for:

- a) Protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, vibration, and the allowance of sun, light, and air;
- b) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
- c) Adequacy of facilities of handling and disposal of refuse and other production by-products;
- d) Protection of environmental features on the site and in adjacent area;
- e) Promotion of appropriate arrangement of structures within the site and in relation to existing structures within the district and neighborhood;
- f) Coordination with and improvement of systems of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, water courses, buildings and other features that support the neighborhood;
- g) Compliance with all applicable sections of the Zoning By-Laws

1520 APPLICABILITY

Any new development expansion, or change of use other than a single-family or two family residence which would, under the parking schedule "Number of Parking Spaces Required" of Section 920, require ten (10) or more parking spaces, regardless of the number of parking spaces existing on the premises, shall be permitted only upon the issuance of a special permit from the Planning Board for Site Plan Review. In addition, any development of any type on 30 acres or greater shall be subject to Section 1510. A special permit shall be granted only if the Special Permit Granting Authority finds that it is consistent with the purposes outlined in Section 1510 of this By-Law.

The Special Permit Granting Authority (SPGA) under Section 1510 of this By-Law shall be the Planning Board provided, however, that where the applicable development requires a special permit, comprehensive permit or variance from the Board of Appeals, the Special Permit Granting Authority (SPGA) under Section 1510 of this By-Law shall be the Board of Appeals. Special Permits under this Section 1510 shall be granted only in conformance with this Section 1510 and Section 1450 of the Wareham Zoning By-Law and the requirements of MGL Chapter 40A, Section 9. Applications shall be accompanied by at least fourteen (14) prints of the plans of the proposal.

1530 INFORMATION REQUIRED:

1531 GENERAL INFORMATION

- a) Developer name, address, telephone number;
- b) Property owner name, address, telephone number legal;
- c) Relationship between developer and property owner;
- d) Date of application;
- e) Statement briefly describing project;
- f) Locus map (1" = 2000);
- g) Location of property to surrounding area (This plan shall show at a scale of not less than 1" = 100' the general characteristics of all lands with 200' of the proposed site and shall include structures, parking areas, driveways, pedestrian ways and natural characteristics.);
- h) Zoning district (square feet within each district if more than one district);
- i) Total area of project in square feet to include wetland and 100 - year floodplain (both in square feet);
- j) All contiguous land owned by the applicant or by the owner of the property;
- k) At the discretion of the Permitting Authority photographs of the site at size of 8" by 10".

1532 EXISTING FEATURES

Plans shall be accurately drawn to a scale of 1" = 20', 1" = 40', or 1" = 100' where practical and appropriate to the size of the proposal and shall show all existing natural, manmade, and legal features of the site.

Such plans are to include but not be limited to the following:

1532.1 Existing Natural Features

- a) Tree line of wooded area;
- b) Individual trees 18" dbh or over;
- c) Bogs or agricultural areas;
- d) All wetlands protected under 310 CMR 10.02 (1) (a - d);
- e) Floodplain (100 years) with base flood elevation data;
- f) Contour lines (2' intervals);
- g) General soil types.

1532.2 Existing Man-Made Features

- a) Vehicle accommodation areas;
- b) Streets, roads, private ways, walkways;
- c) Curbs, gutters, curb cuts, drainage grates;
- d) Storm drainage facilities including manholes;
- e) Utility lines including water, sewer, electric, telephone, gas, cable TV;
- f) Fire hydrants and location of dumpsters;
- g) Buildings, structures, and signs (free standing) including dimensions of each;
- h) Exterior lighting fixtures.

1532.3 Existing Legal Features

- a) Zoning of property (district lines);
- b) Property lines (with dimensions identified);
- c) Street right-of-way lines;
- d) Utility or other easement lines;
- e) Monuments.

1533 THE DEVELOPMENT PLAN

The development plan shall show proposed changes in the (a) existing natural features; (b) existing man-made features; and (c) existing legal features.

The development plan shall include:

- a) Area of each new lot in square feet;
- b) Lot dimensions;
- c) 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;
- d) Building elevations (side, front, and back) showing building height and any proposed signs;
- e) Location, dimension, and designated use for all recreation areas;
- f) Location and dimension of all open space (indicate whether such open space is to be dedicated to public use or to remain private);
- g) Streets (including street names) which conform to the design standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land;
- h) Curbs and gutters, curb cuts, drainage grates;
- i) Drainage facilities including manholes, pipes, drainage ditches, and retention ponds;
- j) Sidewalks and walkways showing widths and materials;
- k) Outdoor illumination with lighting fixture size and type identified;
- l) Utilities; water, sewer, electric, telephone, gas, cable TV;
- m) Fire hydrant locations;
- n) Dumpster (trash collection facilities);
- o) New contour lines resulting from earth movement (at 2 foot intervals) and indications of types of ground cover and other precautions to stabilize slopes;
- p) Vehicle parking, loading, and circulation areas showing dimensions and layout of parking spaces, travel lanes, aisles, and driveways (see also Article 9);
- q) Proposed new plantings by size and location or construction of other devices to comply with screening and shading requirements (see also Article 10).

1534 IMPACT STATEMENT

In order to evaluate the impact of the proposed development to town services and the welfare of the community, there shall be submitted for all Site Plan Reviews an impact statement in two parts.

1534.1 Part one (1) shall describe the impact of the proposed development on the following:

- a) All applicable town services including but not limited to schools, sewer service, water systems, parks, fire, and police protection;
- b) The roads in the immediate vicinity of the proposed development (include an estimate of both peak and average daily traffic counts);
- c) The ecology of the area within the site and any significant off-site impacts.

1534.2 Part two (2) shall describe what actions have been taken to mitigate the impacts described in part one.

1540 EVALUATION STANDARDS:

In evaluating and rendering a decision on an application for a Site Plan Review Special Permit, the SPGA shall consider if the development could achieve the objectives listed below and may require conditions and safeguards deemed necessary to realize those objectives:

1541 NATURAL FEATURES

Finish site contours shall approximate the character of the natural site and the proposed development shall attempt to achieve the following objectives:

- a) reduce the volume of cut and fill;
- b) reduce the number of removed trees;
- c) reduce the pollutants reaching the water table;
- d) reduce the area of wetland vegetation displaced;
- e) reduce soil erosion;
- f) reduce the area of impervious surface;
- g) reduce the amount of stormwater runoff from the site.

1542 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 insure that the architecture shall be in harmony with the surrounding natural environment and neighborhood.

1543 VEHICULAR CIRCULATION

Vehicular circulation shall be designed to provide safe, efficient, and economical transportation. Wherever feasible, access and circulation shall adhere to the following standards.

- 1543.1 Vehicular and pedestrian circulation layout shall be designed to reduce traffic hazards to pedestrians and vehicles both on and off the site.
- 1543.2 Street layouts shall be designed to minimize through traffic movement, excessive vehicular travel, and excessive speed.
- 1543.3 Local streets shall not be over designed or overbuilt and their appearance shall be appropriate to their use.
- 1543.4 Ingress and egress points, commensurate with safety, shall be kept to a minimum along major abutting streets.
- 1543.5 A minimum amount of space shall be devoted to streets and streets shall be constructed to adhere to topography.
- 1543.6 Sufficient off-street parking shall be provided to minimize curb parking.
- 1543.7 All streets shall be designed to the specifications of the Planning Board's Rules and Regulations Governing the Subdivision of Land.

1544 PEDESTRIAN CIRCULATION

- 1544.1 Sidewalks shall ordinarily be provided along streets used for pedestrian access to schools, parks and shopping.
- 1544.2 Sidewalks shall be separated from the roadway edge by a border area of at least five (5) feet to increase pedestrian safety.
- 1544.3 Sidewalk ramps for handicapped accessibility shall be provided where appropriate.

1545 PARKING

- 1545.1 Parking areas shall be designed so that vehicles may exit without backing onto a public street.
- 1545.2 Parking areas shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without backing unreasonable distances or making hazardous turning movements.
- 1545.3 Parking areas shall be designed so that vehicles cannot extend beyond the perimeter of such areas onto adjacent properties or public rights-of-way.
- 1545.4 Circulation within parking areas shall be designed so that vehicles can proceed safely without danger to pedestrian or other vehicles.
- 1545.5 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.
- 1545.6 Parking areas shall be designed to provide visual relief from large areas of unbroken pavement by including landscaped islands within the parking area.

1546 LANDSCAPING

All site plans shall be subject to the Landscaping requirements of this By-Law.

1550 RELATION TO SUBDIVISION PLAN

Permitting Authority approval of a Site Plan Review shall neither oblige the Permitting Authority to approve any related preliminary or definitive plan for subdivision nor substitute for such approval. However, the Permitting Authority may allow an applicant to combine a submission for a Special Permit or a Site Plan Review with a submission for preliminary or definitive subdivision approval if such submission conforms to all requirements for both a Special Permit or a Site Plan Review and subdivision approval. In such case, the Permitting Authority may conduct a combined public hearing for both a Special Permit or Site Plan Review and subdivision approval.

1551 RELATION TO CONSERVATION COMMISSION APPROVALS

- 1551.1 The applicant shall submit to the Planning Board or other Permit Granting Authority in addition to other requirements for Site Plan Review, either:
 - (a) A Determination of Non-Applicability of Massachusetts Wetlands Protection Act Massachusetts General Laws, Chapter 131, Section 40 and, Wareham Wetland protective By-Law issued by the Conservation Commission, as described in that Act, or
 - (b) An Order of Conditions or Order of Resource Area Delineation, covering the proposed work, or approving the wetland Resource Area delineations issued by the Conservation Commission for the purpose of protecting those interests described in the Massachusetts Wetlands Protection Act and the Wareham Wetlands Protective By-Laws, Division VI, Section 1, (Purpose).
- 1551.2 The Planning Board may issue Site Plan Approval only after receipt of the original certified copy of either 1551.1 (a) or (b). (added October 25, 2004)

1560 PROCEDURES

1561 ENFORCEMENT

The Zoning Enforcement Officer shall have enforcement powers over any Site Plan Approval and Orders of Conditions on Comprehensive Permits approved under MGL Chapter 40B. The Zoning Enforcement Officer shall inspect and enforce any and all stipulations and/or conditions placed upon the approval of any Site Plan. Failure to satisfy the conditions of any Site Plan Approval will result in the withholding of the Certificate of Occupancy.

1562 PRE-APPLICATION REVIEW

To promote better understanding and to avoid misunderstanding, applicants shall submit preliminary or completed plans and materials to the Town Planner or the Permitting Authority's designated agent for informal review to ensure that the requirements of Section 1530 have been met.

1563 APPLICATION

Subsequent to a completed Pre-Application Review, application for a Site Plan shall be filed with the Permitting Authority at a regularly scheduled meeting and a copy given forthwith to the Town Clerk. Rules and Regulations governing the issuance of Special Permits may be found in the Town of Wareham Zoning By-Laws Articles 14. The applicant for a Site Plan Review shall accompany the application to the Permitting Authority with fourteen (14) prints of the plans and fourteen (14) copies of any additional plan information required of the applicant. Failure of the applicant to submit the information required under Section 1530, herein, may be grounds for a recommendation of disapproval to the Permitting Authority or disapproval of the application for Site Plan Review.

1564 REVIEW AND DECISION

The Permitting Authority shall evaluate all site plans for uses subject to Site Plan Review. All site plans subject to Site Plan Review shall be filed with the appropriate Special Permit Granting Authority (SPGA) and a copy given forthwith to the Town Clerk by the applicant. Site plans whose use requires authorization by a SPGA other than the Permitting Authority shall be submitted for Site Plan Review to the Permitting Authority at the first regularly scheduled meeting following submission of the plans to the appropriate SPGA. The Permitting Authority shall evaluate such plans and within thirty-five days of receipt of such plans shall forward a written report to the SPGA recommending: approval of such plans without conditions; approval of such plans with conditions; or, disapproval of such plans. No SPGA shall make a decision upon the application of a Special Permit requiring Site Plan Review without receipt of a report from the Permitting Authority or until thirty-five days have elapsed from the date of receipt of such plans by the Permitting Authority without receipt of such report. The SPGA shall give due consideration to the report of the Permitting Authority and where the decision of the SPGA differs from such report or recommendation, the reasons for such difference shall be stated in writing.

1565 SITE PLAN REVIEW AND APPROVAL PROCEDURE

1565.1 Use of Outside Consultants

After the applicant has filed a site plan, the Permitting Authority may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project or its potential impact on the Town. In hiring outside consultants, the Permitting Authority may engage the services of engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Permitting Authority in analyzing the application and project to ensure compliance with all relevant laws, By-Laws and regulations. If the Director of Planning determines that such services are required, the applicant shall pay a Site Plan Review Fee prior to the public hearing and the substantive review of the application by the outside consultants.

1565.2 Review by Town Officials

- a) The Permitting Authority shall not hold a public hearing on a site plan application until Town Boards, Commissions and Departments have been notified and have been allowed twenty-one (21) days from delivery of site plan documents to submit a written report or recommendations thereon. If reports are not received within the twenty-one (21) day period, this shall be deemed lack of opposition thereto.

- b) The Permitting Authority shall circulate one copy of the site plan documents to the following boards, commissions, agencies and/or departments for their information and to request their review and comments:

1. Board of Selectmen/Sewer Commissioners
2. Conservation Commission
3. Fire Department
4. Police Department
5. Water Department
6. Health Department
7. Building Department
8. EMS
9. Town/Consulting Engineer
10. Municipal Maintenance
11. Others as determined to be appropriate

1565.3 Public Hearing

- a) General

In cases where the Planning Board must approve a site plan for a by right use, the Planning Board shall hold a Public Hearing and act as the Permitting Authority. In cases where the site plan involves a Special Permit, the Zoning Board of Appeals acts as the Permitting Authority with a recommendation, on the site plan, from the Planning Board. In cases where any site plan requires a variance from the Zoning By-Law, the Zoning Board of Appeals will hold a Public Hearing on the variance and the Planning Board, acting as the Permitting Authority, will hold another on the site plan itself.

- b) Timing

The Permitting Authority shall hold a Public Hearing within 65 days of the submission of the site plan application.

- c) Abutter Notice

The Permitting Authority shall provide the public hearing notice to the applicant who will notify all abutters and parties of interest within two hundred (200) feet of the parcel of the time, date and nature of the public hearing. Said notification shall be by certified mail, return receipt requested at least ten (10) days prior to the hearing. The cost of certified mailing shall be borne by the applicant. The signed green cards from all abutters and parties of interest shall be submitted to the Permitting Authority prior to the hearing.

- d) Legal Notice

The Permitting Authority shall provide notice of the public hearing by advertisement in a newspaper of general circulation in the town, fourteen (14) days prior to the public hearing and, again, 5 days prior to said hearing. The cost of the advertisement shall be borne by the applicant who shall present a check for the advertisement(s) as part of the submission.

- e) Permitting Authority Action

After the close of the Public hearing, the Permitting Authority shall approve, conditionally approve or deny a site plan within 60 days. If the Permitting Authority approves a plan with conditions, those conditions shall be stated on the Certificate of Approval. Four (4) copies of the final approved plans, with conditions, shall be provided to the Permitting Authority within 21 days of the decision and be distributed as follows:

1. Planning Board -2 sets
2. Building Inspector -1 set
3. Persons/Agency Inspecting the Site -1 set

- f) Notice of Extension
If at any time during the process of Site Plan Review the applicant wishes an extension of the time period, the request shall be made in writing to the Permitting Authority.
- g) Failure to Take Action
In the event that the Permitting Authority fails to hold a public hearing or take action on a site plan application within the times set forth in these regulations, or within any extended time period as requested by the applicant, the site plan shall be deemed to be approved.
- h) Validity of Approval
The approved site plan shall be in effect for two (2) years from the date of approval. The applicant or assignees must have begun construction within the two (2) year period. At least thirty (30) days prior to the expiration date of the approval period, the applicant may request, in writing, that the Permitting Authority grant an extension of time. The request shall state the reasons for the requested extension and also the length of time requested.

566 ADMINISTRATION

1566.1 Fee Structure

Site Plan Filing Fee a non-refundable filing fee shall be remitted to the Permitting Authority at the time the application is filed.

The following fee schedule shall be followed:

- Multi-family/Condominium \$500 (plus \$20 for each unit over 3 units)
- Commercial/Industrial Building (Up to 5000 sq. ft.) \$500
- Commercial/Industrial Building (Over 5000 sq. ft.) \$750

Site Plan Review Fee

1. Applicability: Pursuant to M.G.L. Chapter 40, 22 f, a Site Plan Review Fee may be established by the Permitting Authority for review of the site plan based on an itemized budget estimate prepared by an outside consultant. This fee shall be the reasonable costs to be incurred by the Permitting Authority to assist in the review of the proposed project. The Site Plan Review Fee shall not be a fixed amount but will vary with the costs incurred by the Permitting Authority.
2. Fee Submittal. The applicant shall submit the Site Plan Review Fee from to the Permitting Authority upon the receipt of notice and estimate of fee from the Permitting Authority and prior to the Public Hearing. The failure to pay the Site Plan Review Fee shall constitute grounds for denial of the proposed site plan.
3. Additional Review Fees: If the consultant(s) review of the site plan exceeds the original estimate or should the services of outside consultants be required after the initial Site Plan Review fee has been expended, then the applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. A new estimate for additional review services shall be prepared and remitted to the applicant. The applicant's failure to pay these fees in their entirety shall be reason for the Permitting Authority to deny approval of the plan.

Construction Observation/Inspection Fee

1. The Permitting Authority may decide that the assistance of outside consultants is warranted to observe and inspect the construction of required underground infrastructure and required public improvements that are not within the purview of the

- Building Inspector, due to the size, scale or complexity of the approved plan or because if its impact on the town.
2. If the Permitting Authority 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 and shall be based on an estimate provided by the consultant.

Other Costs and Expenses

All expenses for use of outside consultants reviews (consistent with Section 1565.1), ancillary report reviews, supplemental studies, advertising, publication of notices, postage and mailings and all other expenses in connection with the site plan including without limitation, sampling and/or testing, shall be borne by the applicant.

1566.2 Payment of Fees

- a) Fees paid by the applicant shall be by a certified bank check made payable to the Town of Wareham and submitted to the Permitting Authority.
- b) When the Site Plan Review Fee and the Construction Observation/Inspection Fee are received by the Permitting Authority pursuant to this Section, they shall be deposited with the Town Treasurer who shall establish an account for this purpose. Expenditures from this account may be made at the discretion of the Permitting Authority without further appropriation. Expenditures from this account shall be made only for services rendered in connection with a specific project or projects for which a fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose.
- c) At the completion of the project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. For the purpose of these regulations, any person or entity claiming to be the applicant's successor in interest shall provide the appropriate Board with documentation establishing such succession in interest.

1566.3 Performance Guarantee

- a) Requirement
- b) The Permitting Authority may require that a performance guarantee be posted with the Town of Wareham to secure faithful and satisfactory construction of all proposed improvements in situations it deems appropriate. The Permitting Authority shall set the guarantee, which shall be in the form of a cash bond. The improvements shall be made within two (2) years of the approval of the plan unless an extension is approved by the Permitting Authority.
- c) Performance Guarantee Filing Fee
Performance Guarantee Filing Fee shall be imposed and the minimum filing fee shall be \$200 or \$00.01 /square foot of existing and proposed building footprint, whichever is greater.
- d) Amount
The amount of the performance guarantee shall reflect the estimated cost to the Town of Wareham for completing the work or remediating environmental concerns caused by construction activities should the applicant fail to do so.
- e) Cash Bond
If a performance guarantee is required by the Permitting Authority, a deposit of funds shall be made in a joint passbook with the Town of Wareham in an amount set by the Permitting Authority. A signed withdrawal slip shall be provided to the Permitting Authority for this account. The required funds shall be deposited in this account prior to the issuance of a building permit by the Director of Inspectional Services.
- f) Release
Upon the submission of the as built plans, an electronic copy of the as-built plans, and a final inspection, the Permitting Authority shall vote to release the applicant from the performance obligation.

1566.4 Revisions to Approved Site Plans

- a) Minor Revisions
If revisions to an approved site plan are needed, changes, which in the opinion of the Zoning Enforcement Officer are minor and not substantive, may be reviewed by the Permitting Authority and approved without a public hearing.

b) Major Revisions

1. If revisions to an approved site plan are needed, changes, which in the opinion of the Zoning Enforcement Officer, are significant in terms of size or location of the building, 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 Permitting Authority, then a public hearing for these modifications is required.
2. The Permitting Authority shall review the proposed revisions and either approve, approve with conditions or deny the proposed revisions.

c) Revision Expenses

Whenever additional reviews by the Permitting Authority, its staff or consultants are necessary due to the proposed site plan modifications, the applicant shall be billed and be responsible for the supplemental costs incurred, including filing fees, review fees, and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific, limited aspects of the site, the Permitting Authority may reduce the scope of the required review and waive, all or part of the filing and review fees. Supplemental fees must be paid in full before modifications to a site plan are approved by the Permitting Authority.

d) Project Completion Prior to receipt of an occupancy permit, the applicant shall

1. Provide a written certification from a registered professional engineer in the Commonwealth of Massachusetts that the stormwater management system was constructed and completed in accordance with the approved site plan in accordance with Best Management Practices (BMPs)
2. Construct or install any improvements required by the Permitting Authority to the satisfaction of the Zoning Enforcement Officer.

1570 EXPENSES INCURRED

Expenses incurred by the SPGA in connection with site plan review, including the reasonable fees and expenses of any consultants retained by the SPGA, shall be borne by the applicants for site plan approval.

1575 PERFORMANCE GUARANTEE

As a condition of the granting of special permits for any uses or structures requiring a special permit under this Section, the SPGA shall require that construction and site alteration permitted and specified by said special permit be secured by one, or in part by one and in part by the other, of the following methods, which method may be selected and from time to time varied by the applicant upon receiving written approval from the Planning Board:

1. By a proper bond or deposit of money or negotiable securities sufficient in the opinion of the SPG A to secure performance of the construction of buildings, parking areas and appurtenances thereto required for completion of the project as noted in the special permit and shown on any accompanying plans. The SPGA may require that said construction shall be completed within a specific period of time; or
2. By a covenant executed and duly recorded by the owner of record, running with the land, whereby said construction will be completed before such buildings or appurtenances thereto may be eligible for an occupancy permit

1580 RELEASE OF GUARANTEE

Performance bonds, deposits or covenants may be released in whole or from time to time, in part, when the work has been satisfactorily completed in the opinion of the SPGA. The SPGA shall then release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same or release the covenant by appropriate instrument duly acknowledged which shall be recorded at the Plymouth County Registry of Deeds. Request for all releases shall be by certified, return receipt letter to the SPGA and the Town Clerk and shall outline that portion of the work to be released and shall be accompanied by an engineer's or surveyor's certification that the work has been done in accordance with the requirements of the granted special permit. If the SPGA determines that said construction or site alteration has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk, the details wherein said construction or site alteration fails to comply with the special permit and upon failure to do so within forty-five (45) days after the receipt by said Town Clerk of said request by the applicant all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned, and such other covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

1585 OTHER REGULATIONS

This Section 1510 is supplementary to the other existing Zoning By-Laws affecting the access, circulation, design and landscaping of parking areas. Where the application of Section 1510 imposes a greater restriction than is imposed by other Zoning By-Laws, the application of Section 1510 shall control.

1590 DECISION

Special permits may be granted and plans may be approved provided that the SPGA determines that subject to any conditions that may be imposed the requirements of Sections 1510 and 1450 will be satisfied and that no other conflicts between the proposal and the Zoning By-Laws have been observed.