

**Planning Board Zoning Regulations,  
Section 176-9.0 Site Plan Review  
(approved October 6, 2021)**

**9.1 General Regulations**

9.1.1 Purpose.

1. Establish clear and predicable guidance to applicants relative to site plan review of a project.
2. Provide criteria for a reviewing authority to make a well-informed decision.
3. Establish a list of necessary submittal documents relative to the individual site plan review requirements, from pre-application submittal through occupancy.

9.1.2 Authority.

1. These regulations governing site plan review are adopted under §135-9.5.4.2 of the Zoning Bylaw to create uniform procedures and standards for reviewing site plans submitted to the Town.
2. Site plan review is intended to protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Lexington by assessing potential impacts on municipal services and utilities, traffic, the environment, and aesthetics by assuring that the same are adequately considered.
3. Site plan review is not aimed at prohibiting permitted uses in a zoning district but with reasonable regulation consistent with the public interest.

9.1.3 Applicability.

These regulations apply to all projects requiring site plan review under §135-9.5.2.1 of the Zoning Bylaw.

9.1.4 Amendment.

These regulations may be amended from time to time by a majority vote of the Planning Board at any regularly scheduled public meeting, following notice, and a public hearing as required by §135-9.5.4.2 of the Zoning Bylaw.

9.1.5 Compliance.

The Building Commissioner shall not issue a Building Permit or Certificate of Occupancy under the Lexington Building Code for any structure requiring site plan review unless the Planning Board or its designee has approved the site plan and the structure complies with all conditions of the approval.

9.1.6 Waiver.

Applicants are required to show compliance with §176-12.0 Site Plan Review and Special Permit Design Regulations. Where compliance is not possible, an Applicant shall provide a written request for a waiver to explain the reason for such relief. The Planning Board shall vote on such waiver requests at the opening public hearing or public meeting.

## 9.2 Administrative Regulations

### 9.2.1 Pre-application Review.

1. Sketch plan. All applicants are encouraged to submit a sketch plan to the Planning Office for review before applying to the Planning Board. This review does not constitute a formal application for site plan review. Before submitting a sketch plan, the Applicant must contact the Planning Office to schedule an appointment with Town staff to review the plan.
2. Development Review Team. The Planning Office will organize a Development Review Team (DRT) meeting upon receipt of a sketch plan. The Planning Office shall prepare a DRT report within fifteen business days of the meeting. Depending on the size, scale, and type of project, a meeting with the Building Department, Fire Department, and Department of Public Works may be scheduled in addition to the DRT.
3. Scope of review. Town staff will review the sketch plan to promote greater efficiency in the formal review process. Such review will be limited to technical issues in the areas of Town staff's expertise. While Town staff may offer opinions on the viability of a particular site modification, improvement or design, compliance with these regulations, and the probability of securing waivers therefrom, all such comments are nonbinding and should not be construed by the Applicant as commitments to later approval.

### 9.2.2 Approval.

The Planning Board, or its designee in the case of a minor site plan review, may approve an application subject to such reasonable conditions as may be necessary or appropriate to:

1. Enforce compliance with substantive requirements of this chapter, unless waived; and
2. Protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Lexington.

### 9.2.3 Security and Future Compliance.

Among its conditions, the Planning Board, or its designee in the case of a minor site plan review, may require adequate security by the Applicant, in such form and amount as may be determined by the Planning Board. This security ensures the satisfactory completion of all improvements required by its site plan approval, exclusive of those being made to privately owned structures. The Planning Board, or its designee in the case of a minor site plan review, may also require a formal commitment to future compliance, including a monitoring program post-permit issuance for compliance purposes for a time specified in the site plan approval.

### 9.2.4 Disapproval.

The Planning Board, or its designee in the case of a minor site plan review, may disapprove an application where:

1. The application is incomplete, as determined by the Planning Board or Planning Office, and the Applicant has been so notified and has failed to remedy the application; or

2. The imposition of reasonable conditions will not ensure the project's compliance with the substantive requirements of these regulations; or
3. The project, as proposed, does not comply with the Zoning Bylaw.

9.2.5 Lapse.

Site plan approval shall lapse if the Planning Board's decision was not properly recorded and building permits for the project's development, where required, have not been issued within three years from the approval date. The Planning Board may grant an extension of time upon the Applicant's written request for a good cause.

**9.3 Major Site Plan Review.**

9.3.1 Major Site Plan Review.

The following types of activities and uses require major site plan review by the Planning Board:

1. Exterior construction or expansion of structures which results in an increase of more than 5,000 square feet of total building gross floor area in any three-year period; or
2. The available parking on the site is increased by more than 20 parking spaces in any three-year period.

9.3.2 Required Submittals.

An applicant must submit a Major Site Plan Review Application package in an electronic format to the Planning Office. The following information will be included in the Major Site Plan Review Application unless waived:

1. A definitive site development plan, which includes but is not limited to an existing conditions plan, a site plan, a parking plan, a circulation plan (showing large fire apparatus turning movements), a construction plan, a landscaping plan, a lighting plan, and an off-street parking and loading plan;
2. Architectural plans, which includes but is not limited to architectural renderings, building elevations, and a color rendering of the proposed structure from the public way.
3. A zoning narrative that demonstrates compliance with the applicable requirements of the Zoning By-law, and the Planning Board Regulations.
4. If applicable, the parking and transportation demand management (PTDM) plan described in §135-7.2.6 and proof of payment of the transportation mitigation fee described in §135-7.2.5;
5. A report outlining compliance with the requests made during the DRT meeting, DRT report, or other meetings with other municipal departments;
6. Proposals for mitigating measures or the construction of improvements to address the impacts, except traffic impacts, of the proposed development and to provide adequate capacity in Town facilities and services;
7. A list indicating which items on the LEED Core and Shell Checklist, or equivalent scorecard, are intended to be included in the design and construction of the building(s).
8. An application checklist showing compliance with, or waivers sought from, the design standards of §176-12;

9. For any requested waivers, a written statement indicating why such waiver should be granted; and
10. A copy, if any, of the determination of applicability issued by or the notice of intent filed with the Conservation Commission of the Town of Lexington under MGL c. 131, §40, or Chapter 130 of the General Bylaws of the Town of Lexington.

#### 9.3.3 Procedures.

1. Development Review Team. Major site plan review projects that did not meet with the DRT will be required to meet with the DRT prior to the first public hearing. It shall be the obligation of the Planning Office to submit a DRT report to the Planning Board within ten days of the meeting.
2. Public hearing. The Planning Board shall conduct a public hearing, as required by §9.5.4.3 of the Zoning Bylaw.
3. Majority required. The decision of the Planning Board must be by a majority vote of the Board as constituted (i.e., three affirmative votes).
4. Filing time limits. The Planning Board must provide a written decision and file such a decision in the office of the Town Clerk within 60 days of the date of application. The required time limits for filing such a decision may be extended by the Applicant and the board's written agreement; a copy of such agreement must be filed in the office of the Town Clerk. Failure by the Board to act in the sixty-day period is considered approval of the major site plan. The Applicant who seeks such approval because of the failure of the Board to act in the time prescribed must notify the Town Clerk, in writing, within 14 days from the expiration of said 60 days or extended time, if applicable, of such approval.

#### 9.3.4 Appeal.

Any person aggrieved by a decision of the Board made under §176-9.3 may appeal said decision to a court of competent jurisdiction under MGL c. 40A, §17.

### **9.4 Minor Site Plan.**

#### 9.4.1 Minor Site Plan Review.

The following types of activities and uses require minor site plan review by the Planning Office:

1. All construction, reconstruction, or site redevelopment projects that are subject to site plan review, not listed in §176-9.3.1;
2. All modifications to properties with prior site plan approval that have not been determined to be an insignificant field change; or
3. Installation of a solar energy system when site plan review is required.

#### 9.4.2 Required submittals.

An applicant must submit a Minor Site Plan Review Application package in an electronic format to the Planning Office.

#### 9.4.3 Review Procedures.

The Planning Office may require a Development Review Team meeting prior to making a decision. Information presented during DRT or staff meetings will be considered when making a decision.

9.4.4 Decision by the designee.

The designee, under the standards set forth here, reviews minor site plans. After reviewing the minor site plan, the designee must file a written decision within 60 days of receipt of the application in the office of the Town Clerk and notify the Applicant of their decision. The required time limits for filing such a decision may be extended by the Applicant and the designee's written agreement, and a copy of such agreement must be filed in the office of the Town Clerk. Failure by the designee to act in the sixty-day period is considered approval of the minor site plan. The Applicant who seeks such approval because of the failure of the designee to act in the time prescribed must notify the Town Clerk, in writing, within 14 days from the expiration of said 60 days or extended time.

9.4.5 Appeal.

The decision of the designee on a minor site plan may be appealed to the Planning Board, and such appeal must be filed with the Board within 14 days of the filing of the designee's decision with the Town Clerk. The decision of the Planning Board on appeal must be filed with the Town Clerk within 60 days of the date the appeal is filed. All costs of mailed notice and publication of notice must be borne by the party appealing the decision.

**9.5 Limited review.**

9.5.1 Limited Site Plan Review.

Site plan review of uses protected under §135-9.5.6 shall require only limited review. Site plan review shall be limited in such circumstances to the imposition of reasonable regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, off-street parking, and building coverage requirements.

9.5.2 Required submittals.

An applicant must submit a Minor Site Plan Review Application package in an electronic format to the Planning Office.

9.5.3 Minor Site Plan Review Compliance.

Site plan review shall follow the procedures for a Minor Site Plan in §176-9.4, regardless of whether the proposed change would otherwise meet or exceed the threshold for Major Site Plan in §176-9.3;

9.5.4 Waivers.

The Planning Board's designee shall waive any standards that are not reasonable as applied in a particular case or effectively prohibit the protected use. The designee may also make reasonable, non-binding recommendations to the Applicant for changes in the site plan, consistent with accepted and responsible planning principles.