

Policy Adopted by the Planning Board relative to:

INSIGNIFICANT MODIFICATIONS NOT REQUIRING PLANNING BOARD ACTION:
As amended on July 16, 2019

The Planning Board acknowledges that, oftentimes, with any development, modifications must be made to the approved Special Permit and/or Site Plan Special Permit plans or other supporting materials, between the time of the approval (or approval with conditions) of the special permit and the time of application for a building permit or even during construction. The Planning Board also acknowledges that completed projects, whether or not they are the subject of a Site Plan Special Permit issued by the Planning Board, are designed to be modified, and such modifications are often so minor as to be insignificant or negligible in consequence and resulting in essentially the same qualitative and quantitative overall project detailed in the original plans. The Board recognizes that many of the modifications that are submitted are often so minor as to be insignificant or negligible in consequence and resulting in essentially the same qualitative and quantitative overall project detailed in the original plans. In order to make clear that changes or modifications which are insignificant and/or substantially in compliance with the originally approved plans may be in the discretion of the Board approved administratively and without further consideration by the Planning Board, we adopt this policy. Modifications deemed substantial by the Director of Planning and Community Development may be brought to the Planning Board either as de minimus changes (not requiring notice and public hearing) or as formal amendments to the special permits (requiring notice and public hearing). The Planning Board deems it is desirable to allow a measure of flexibility for the natural refinement and adjustment that comes with the advanced stages of design between conceptual or design development, construction drawings, and actual construction. The Planning Board also deems it desirable to allow minor changes on an administrative basis rather than through Planning Board action when the changes are to be insignificant or negligible in consequence and resulting in essentially the same qualitative and quantitative overall project detailed in the original approved plans. In many instances the changes are cosmetic in nature and do not materially affect the impact that the changes in the projects have on the site or surrounding area, particularly if the proposed changes are approved by the Design Review Board. Accordingly, modifications to special permits that are substantially in compliance with the original plans or represent insignificant modifications may be approved by the Director of Planning and Community Development without further Planning Board review or a public hearing. The Planning Board acknowledges that minor façade changes to existing buildings and/or minor changes in existing landscaped areas ought to be considered substantially in compliance with the original plans or represent insignificant modifications, and therefore, ought to be approved by the Director of Planning and Community Development without further Planning Board Review or a public hearing.

To assist in the understanding of the types of changes not requiring further process before the Planning Board, the Board has provided an illustrative listing below. The list is not intended to be an exclusive list of insignificant modifications not requiring Planning Board action but the items listed are intended as examples of insignificant modifications. Furthermore, the list is not intended to entitle any applicant to Director of Planning and Community Development approval and the Director may deem any change substantial. When an item is deemed by the Director of

Planning and Community Development to be insignificant or substantially in compliance with approved plans, the Director is authorized to approve the change. The Planning Board expressly delegates such authority to the Director, while retaining the authority to deem proposed changes to be significant. If the Director is unsure of or seeks another opinion as to whether an issue is insignificant under this Policy, the Director may seek an opinion from the Chairperson of the Planning Board to inform her decision. As to each project, the Director of Planning and Community Development shall maintain a list of insignificant modifications and a compendium of changes approved as such and shall upon request update the Board on the modifications granted. The Planning Board further expressly delegates authority to the Director to inform the Building Department of such approval. It shall be sufficient for purposes of approving an “insignificant” modification for the Director of Planning and Community Development to note on the proposed plans that the plans have been deemed approved pursuant to this policy and a copy of said endorsed plans forwarded to the Building Department.

INSIGNIFICANT MODIFICATIONS – DURING CONSTRUCTION

Illustrative examples are set forth as follows:

All underground changes.

Any reduction in project size, provided that setbacks are not reduced from that permitted in the approved plan and provided further that the site layout features are substantially unchanged. The Director may consult with the DPW Director and/or Town Engineer.

Any change in the colors or style of materials used for exterior construction or any minor change to the exterior design, provided such change is approved by the Design Review Board.

Any change in drainage or infiltration structures provided the change is approved by the DPW Director and/or Town Engineer.

Any minor changes to the approved site plan, provided that setbacks are not reduced from that permitted in the approved plan. The Director may consult with the DPW Director and/or Town Engineer.

Changes mandated in order to comply with State law, including but not limited to Building Code and Massachusetts Architectural Access Board requirements. Such changes must also have the approval of the DPW Director, Building Inspector and/or Town Engineer.

Insignificant alterations where the modification of a building, or project detail, lacks enough material form or substance to change the overall compatibility or scope of a project from that approved.

Temporary adjustment to site plan necessitated by failure of delivery of component parts

provided a temporary solution to such non-delivery is approved by DPW Director, Town Engineer and/or Building Inspector as required.

Any change in design or construction so insignificant that there is no foreseeable impact on site layout or building design.

The reduction or enlargement in the size of a window or door, provided that the wall, if existing, matches the surrounding wall.

Changes to deck or stair railings to meet the Building Code, such as adding stiles to meet the minimum spacing requirement or increasing the height to meet the required minimum height, provided that there is no significant change in materials or design.

Minor design revisions to previously approved Planning Board plans including minor window changes (size, location, design); minor door changes (such as sliding to French); landscape material changes; the elimination of a feature previously proposed to be removed (such as a window or exterior light fixture); the retention of an existing feature that was previously proposed to be removed (such as a window or exterior light fixture); and provided that there is no substantial increase in structure coverage, hardscape surface coverage, or floor area ratio; and the Director may seek consultation on the revised design features with the Design Review Board.

New or modified roof-mounted solar panels provided that they are not located on any street-facing roof slope, or are located behind a parapet on a flat roof, and are not visible from any street or roadway.

New or relocated walls or fences or a combination of wall and fence not greater than six feet (6') in height, provided that the wall and/or fence does not interfere with site distances on adjacent streets.

Modifications to interior floor plans provided the changes do not increase the parking requirements or change expressly approved uses which have the effect of increasing parking requirements.

Interim/temporary occupancy for certain limited purposes---move in furniture, equipment, set-up by a restricted group of people---whether or not the project has been phased. The Director may seek consultation with the Building Inspector, Town Engineer, DPW, and/or other safety related departments, as applicable.

INSIGNIFICANT MODIFICATIONS—POST-CONSTRUCTION

Non-substantial improvements to or repairs of an existing structure, including but not limited to, interior renovations, re-roofing, window and/or door replacement.

Insignificant modifications to an approved site plan such as changes in sign location, minor revisions to a parking lot, such as relocation of the end boundary to accommodate snow removal or trees or utility lines, reduction in building footprint size, addition of canopies, removal of excess parking spaces (over zoning requirements) to allow for additional open space, landscaping or maneuvering space, parking lot alterations which do not decrease the number of parking spaces and do not modify the site flow, and landscaping changes provided the plan still complies with landscaping requirements.

Exterior lighting modifications which do not increase the average foot-candles over the one allowed and do not shed or glare onto adjacent property or streets.

Repair, replacement, or revisions to drainage and/or drainage systems shown on an approved site plan provided such changes are reviewed and approved by the Town Engineer.

Repair or replacement of fences otherwise allowed.

Removal of windows or doors or reduction in size of windows or doors within existing opening, provided the wall is patched and painted or finished to match the surrounding wall.

New or relocated gas meters, alarm boxes, and electrical panels proposed on non-street facing walls.

New or modified handrails on existing stairs or handrails on new or renovated on-grade stairs.

Changes to stairs, handrails and/or decks to meet new code requirements, provided there is no significant change in material and design.

Handicap features such as wheelchair ramps to accommodate handicapped and disabled persons as required by law.

Temporary minor changes existing for no longer than three months .