

Article \_\_\_\_\_. To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Subsection L to Section III:

**L. Institutional/Commercial Development**

In a Residence C district on a lot which has at least 500 feet of frontage on a state highway, which contains at least 150,000 square feet, and which contains tax-exempt uses in a building deemed too large for its uses, the Planning Board may grant a special permit for an institutional/commercial planned unit development (“Institutional/Commercial Development”) for a building to contain a tax exempt use or tax-exempt uses and for two buildings to contain certain commercial uses upon satisfaction of all requirements specified in this subsection and upon such other requirements, terms and conditions deemed necessary or appropriate by the Planning Board as specified in the special permit. As used in this subsection the word “lot” shall include two or more adjacent lots existing on January 1, 2010 only if those lots have been owned in common ownership by a tax-exempt institution for at least 10 years immediately prior to January 1, 2010. The purpose of this subsection is the creation of a vibrant, community-friendly, walkable marketplace and neighborhood meeting place which, in association with tax-exempt uses, will benefit the immediate neighborhood and the community at large.

1. **Application Requirements:** The application for a Special Permit for Institutional/Commercial Development shall be made jointly by the primary tax-exempt institution and by the developer of the commercial buildings and signed by them. The application shall contain a written narrative describing the development and its uses and include 7 copies of the following:
  - (a) **Existing Conditions Plan:** An existing conditions plan showing: existing topography of the land with two foot contours; delineated wetlands; major site features such as trees, wooded areas, rock ridges and outcroppings; water bodies; stone walls; buildings; paved areas; driveway openings and any other significant features.
  - (b) **Site Plan:** A site plan showing the layout, materials and dimensions of all proposed buildings, structures, loading docks, loading areas, driveways, parking areas, walls, curbs, sidewalks, walkways and landscaped areas.
  - (c) **Grading Plan:** A grading plan showing the proposed grading with two foot contours, all proposed cuts and fills, all retaining walls with elevation drawings and specification of their construction and materials.
  - (d) **Drainage Plan:** A drainage plan and drainage report detailing drainage calculations for all elements of site drainage, including the storm water system.
  - (e) **Utility Plan:** a utility plan showing the construction and location of all utilities, including electric, gas, water and sewer, telephone/cable and their connection to their respective systems..
  - (f) **Landscape Plan:** A landscape plan to scale including specific landscaping features, trees, shrubs, grass, ground cover, lighting, fences, walls, playgrounds, open spaces, at least 3 bicycle racks and amenities in landscaped areas. The plan

shall indicate areas of landscape and individual trees to be preserved and protected and the size and species of new trees and plantings. The landscape plan shall be prepared by a Massachusetts licensed landscape architect.

(g) Elevations. Elevations of all buildings to scale, showing each side of each building in all material detail and the appearance of the buildings viewed from outside the site. The elevations shall set out the height and width of the buildings and their major elements such as windows, doorways, and arcades and shall be accompanied by descriptions by the architect of the designs of the buildings and their compatibility with each other and the immediate neighborhood. The elevations shall include roof plans for each building showing the construction, materials, slope, dormers, gables and major rooftop equipment (screened from view from outside the site so as to provide noise buffering).

(h) Traffic Study. A traffic study establishing traffic volumes on the state highway and neighboring streets which will receive additional traffic as a result of the development. The study shall show the existing volumes and projected volumes once the development is operational and five years thereafter. The study shall reliably determine the number of vehicle trips to the various buildings in the site, hourly, daily, weekly and monthly. The study shall reliably determine the number of cars to be parked on site by users of the various buildings at peak and non-peak periods. The study shall reliably determine the adequacy of the proposed on site driveway system to handle projected traffic at peak periods. The study shall reliably determine measures reasonably necessary for the state highway to serve users of the proposed development without occasioning delays to other users. Such measures may include a traffic signal and a stacking lane for left turns. The study shall reliably determine measures which will mitigate the adverse effects of increased traffic on neighboring streets attributable to the development. Such measures shall include any actions which are recommended for the Town to take at the developer's expense in order to mitigate adverse traffic effects attributable to the development. The traffic study shall be prepared by a Massachusetts licensed traffic engineer.

(i) Noise Study. A noise study which shall reliably document the noise impacts produced by proposed activities on site, their audibility to nearby residents and to employees and users of the development and measures proposed to mitigate all significantly adverse noise impacts. Particular attention shall be paid to the noise produced by trucks and their warning horns and the anticipated specific impacts on residents during the hours when trucks will be operating in the development. The noise study shall set out reasonable measures to be taken to keep noise emitted by activities in the development as low as reasonably possible, especially in the early morning and evening hours.

(j) Property Values Analysis. A reliable analysis as to the effect that the development, at the one-year anniversary of completion of construction, will have had on real estate property values of real property within 500 feet of a lot line of the development. In the event that the analysis projects a decrease of real estate property values attributable to the development on this date, measures to mitigate this impact shall be included in the analysis.

(k) Signs. A signage plan showing the number, size, type, and location of signs for the uses and activities in the development, including the signs controlling and directing traffic inside the development.

2. Buildings and Their Uses: In an Institutional/Commercial Development there shall be the following requirements for buildings:

(a) Institutional Building. One building (the “institutional building”) shall contain one or more of the non-profit, tax-exempt uses conducted on the lot on January 1, 2010; this building shall contain no more than 15,000 square feet of gross floor area (excluding the area of a sub-grade basement) and cover no more than 7,500 square feet of ground area.

(b) Pharmacy. The second building shall contain no more than 13,100 square feet of gross floor area (excluding the area of a sub-grade basement and a mezzanine up to 6,500 square feet used exclusively for storage and excluding the area of a drive-through structure used exclusively for the order and pick-up of prescriptions). This building shall contain a use as a pharmacy or drug store. Such a use involves a type of convenience store which contains a pharmacy, including provision for drive through order and pick-up of prescriptions (the “pharmacy”). The pharmacy may include a small clinic serving general health needs of the public on a non-reserved basis, but no addiction services shall be provided at the clinic. No alcoholic beverages (except as may be prescribed by a doctor) shall be sold in the pharmacy, and no food or drink shall be sold for consumption on the premises. If services, other than services normally incident to a pharmacy, are to be provided, the services shall be described in the application and specific provision for such services shall be made in the special permit.

(c) Market. The third building shall contain no more than 10,000 square feet of gross floor area (excluding the area of a sub-grade basement and a mezzanine of up to 5,000 square feet used exclusively for storage) shall contain a market which shall not be a convenience store but which shall be designed to give it an identity of an individual grocery store selling a wide range of quality groceries and fresh foods in a setting which provides an attractive, convenient place in which to shop and for shoppers to meet with neighbors (the “market”). Provision shall be made in or in conjunction with the market for convenient inside and outside seating areas and for the sale of non-alcoholic beverages and non-packaged snacks for consumption in these areas. The special permit may provide that the purveyor of such food and drink may be a separate entity from the operator of the market and may operate under a sublease from the operator of the market. If services, other than services normally incident to a market, as herein described, are to be provided, the services shall be described in the application, and specific provision for such services shall be made in the special permit.

(d) Accessory Structures. In an Institutional /Commercial Development the special permit may provide for one or more small accessory structures which are necessary for orderly and convenient operations or which primarily provide public amenities.

(e) Change of Commercial Use. In the event that a use other than a pharmacy use or a use other than a market use is proposed for either commercial building the Planning Board may amend the special permit to permit a changed use upon a reliable showing

that the use as a pharmacy or the use as a market is not economically feasible and that the proposed new use is economically feasible and will be likely to have a positive impact on the neighborhood without significant detrimental consequences.

(f) Change of Institutional Use. In the event that a change in use of the institutional building is proposed, the Planning Board may amend the special permit to permit a changed use upon a reliable showing that the proposed new use will be a non-profit, tax-exempt use which will be unlikely to have a detrimental impact on the neighborhood.

(g) Prohibited Uses. In no event shall a use not permitted in the business district or any of the following uses be permitted in an Institutional/Commercial Development: bar, liquor store, sexually oriented business, motor vehicle dealership, vehicle sales or repair facility, automobile parts store, gasoline station, storage facility, tattoo parlor, clinic for addiction services, game facility, entertainment facility, any residential use, commercial parking lot(except as herein provided). Excepting the pharmacy's drive-through transaction window, there shall be no drive-through business in an Institutional Commercial Development.

(h) Hours of Operation: An Institutional/Commercial Development shall have hours of operation commencing no earlier than 6:00 A.M. and ending no later than 10:00 P.M. Commercial parking more than one half hour after closing or more than one half hour before opening shall not be permitted, excepting security vehicles and the vehicles of employees on site after hours. Use of the institutional building and its associated parking after the closing hour shall be allowed so long as part of the institutional use.

(i) Siting of Buildings: Buildings shall be sited so that they present an attractive appearance when viewed both from off-site and from on-site. The pharmacy shall be sited so as to be conveniently accessible from the state highway and so as to permit a drive through facility which economizes on the space needed for its operations. It shall be accessible by safe and convenient driveways and walkways/sidewalks and shall be near some landscaped areas in addition to the set-back area. It shall be sited so that it is conveniently accessible from the market by foot. The market shall be sited so that it is conveniently accessible by safe and convenient driveways and walkways/sidewalks, including a walkway to nearby residential areas as provided herein. Provision shall be made for bicycle access and parking. The market shall be sited so that it is located conveniently and accessible to a landscaped pedestrian space with seating and other amenities for market users and other pedestrians. The institutional building shall be sited so that it is located conveniently and is accessible by safe driveways and walkways/sidewalks. It shall be sited so as to provide for a safe and convenient drop-off pick-up area for any school on site. All buildings shall be sited so that loading areas, loading docks and areas for rubbish disposal and storage are both convenient and located such that visual and noise impacts on nearby residences can be reasonably mitigated. Insofar as reasonably possible siting of buildings shall be in harmony with topographical features on the site. Siting of buildings shall contribute to the provision of amenities to the public, including attractive pedestrian connections and public spaces. The Planning Board may require

changes in the siting of buildings so as to better serve the requirements of this paragraph.

(j) Ownership: The parcel containing the pharmacy, the market and their parking areas shall be in the same ownership (the “commercial parcel”) The parcel containing the institutional building may be in separate ownership (the “institutional parcel”) and shall be adequately large to contain the institutional building in a landscaped setting. The institutional parcel shall include the drop-off and pick-up area for the institutional building and shall have deeded perpetual rights for safe and convenient access and egress to and from the state highway. The institutional parcel may include the parking spaces necessary for the institutional use, and, if the requisite parking spaces are not part of the institutional parcel, the parcel shall have deeded perpetual rights to use of the requisite number of conveniently located parking spaces. The institutional parcel may include that part of the set-back area contiguous to one or more of its lot lines.

(k) Entrances, Basements and Mezzanines. Entrances to commercial buildings shall be at finished grade without berms. Basements and mezzanines in a commercial building shall be exclusively used for storage and mechanical systems. A mezzanine is a second floor which has an area of no more than 50% of the gross floor area of the first floor and which is used exclusively for storage.

(l) Height and Set-back: No building shall be excess of 35 feet in height above mean finished grade, excluding berms, as calculated for each building. The Planning Board may permit greater height for a clock tower or cupola or similar architectural feature. All buildings shall be set back at least 10 feet from the state highway and at least 30 feet from any other lot line provided that the setback may be reduced to 25 feet for good cause provided that planting affording effective, attractive screening can be provided in a 25 foot set-back area.

(m) Design of Buildings: The buildings shall be designed and sited by architects specifically for the Institutional/Commercial Development. The buildings shall be designed to be functional and convenient for their specified uses, and each shall have an attractive design appropriate to the site and the neighborhood in which it is located. The buildings shall be designed in compliance with the following design standards and goals.

(n) Design Standards: The design and siting of the buildings shall have the following goals:

- (i) To ensure that building design is based on a strong, unified, coherent architectural concept;
- (ii) To ensure that buildings portray a sense of high architectural integrity;
- (iii) To ensure that buildings are appropriately designed for the site, address human scale, and become a positive element in the architectural character of the neighborhood;
- (iv) To ensure that new buildings use high quality building materials and architectural finishes in a manner that exemplifies craftsmanship, quality and durability;
- (v) To ensure that the buildings and the site take full advantage of sustainable design principles, including recycled and sustainable materials, energy conservation and water use reduction;
- (vi) To ensure that buildings are aesthetically pleasing and superior in design.

The architectural composition, scale, elements, and details of a building should relate to the site's natural features and the character of the surrounding area. The composition should express the concept of a neighborhood marketplace and center, seamlessly including non-profit uses. All elements shall be designed to contribute to a pedestrian and bicycle friendly space. The following architectural measures shall be taken:

- (vii) Building and site design shall provide an inviting orientation from the state highway and entry driveway and from other buildings. Buildings shall present attractive appearances on all sides, including areas in which deliveries will be made, and such delivery areas shall be adequately screened. Noise impacts on neighboring properties shall be avoided.
- (viii) The composition of each building's masses and elements shall create a unified whole. The apparent mass and bulk of each building shall be reduced by architectural techniques such as façade modulation, building articulation, roof treatment and use of appropriate colors and materials.
- (ix) Buildings shall contain various appropriate architectural elements. Window and door treatments shall be articulated in facades and shall be sufficiently large to convey the impression of a reduced scale in the size of the façades. The articulation and arrangement of the doors and windows together with other architectural features, such as facades, arcades, balconies, bay windows, columns, dormers, stepped roofs, gables, cornices, decorative facing, multi-planed and intersecting rooflines and modulation of elements shall be used to contribute to compositional unity of a strong architectural concept appropriate for the site. Such features shall be used to avoid blank walls and provide interest to each wall of the building and may be purely decorative although appearing to be integral parts of the building.

### **3. Development Requirements:**

In an Institutional/Commercial Development the following requirements shall also apply:

- (a) **Open Space:** There shall be open space comprising at least 30 percent of the area of the Institutional/ Commercial lot. Open space shall include open areas in their natural state, other landscaped areas, playgrounds, landscaped islands and strips in parking areas, landscaped areas contiguous to driveways, sidewalks and walkways. Open space shall include a landscaped set back area on all lot lines. Open space shall not include any buildings (excepting those with a predominantly public purpose, such as a gazebo for neighborhood use), driveways, parking aisles and spaces, dumpster and equipment locations, loading areas, and other paved areas without a predominantly public purpose. Landscaping in the set-back area on a lot line (excepting the set-back area on the state highway lot line) shall contain deciduous and evergreen trees, shrubs and other plantings designed by a licensed landscape architect to screen the development from view from neighboring residential areas insofar as practicable. The set-back areas (excepting the set-back area on the state-highway lot line) shall be inobtrusively fenced for safety and for control of pedestrian movement into the Institutional/ Commercial Development. Access through the set-back area providing safe, attractive and convenient pedestrian access to the buildings in the development shall be provided for use by neighborhood

residents provided that such access shall be designed and other measures taken to minimize any parking of vehicles on neighborhood streets by users of the development. Retaining walls shall be permitted in a portion of the set-back area provided that there is sufficient set-back area remaining at the top of a retaining wall for provision of plantings sufficient to provide effective screening. Use of the set-back area for a driveway to the loading area of a building shall not be employed without effective provision for the benefit of neighboring residents to mitigate the noise of trucks backing into the loading dock and unloading. Plantings shall effectively screen any such driveway, loading area and loading dock. The set-back area on the state highway lot line shall not be fenced and shall contain plantings designed by a licensed landscape architect to enhance the appearance of the buildings and to provide an attractive setting for buildings and for the vehicular entrance to the development. The open space in the interior of the site shall be designed to break up areas of paving and to soften the appearance of buildings. A portion of the site interior open space shall provide public amenities for pedestrians to use, including a sitting area that is conveniently accessible to the market building by foot and that is suitable for use as a neighborhood meeting place in good weather. All open space including the plantings shall be maintained in good condition and kept clean and free of trash by the owner of the commercial parcel.

(b) Access, Egress, Driveways, and State Highway Stacking Lane: Vehicular access to the Institutional/Commercial Development shall be exclusively by a driveway located on the state highway at least one hundred feet from any abutting street or any abutting lot. Adequate provision shall be made in the driveway system for queuing of vehicles waiting to exit the site. There shall be a pick-up/drop-off area at the institutional building which is sufficient to serve the needs of any school in the building. The driveway system within the site shall be designed to accommodate anticipated traffic and to conveniently and safely route traffic to the parking areas for the uses on-site, to the pick-up/drop-off area at the institution and to the drive-through window of the pharmacy. The walkways shall be designed for safe and convenient movement of pedestrians within the site and insofar as possible shall not cross driveways, and, if any such crossing is necessary, the crossings shall be delineated through use of different paving treatments and appropriate measures to protect pedestrians from motor vehicles. Landscaped islands and landscaped open space shall be used to enhance the appearance of the driveway system, sidewalks/walkways and parking areas. In the event that a stacking lane and /or traffic signal on the state highway is reasonably necessary so as to maintain the flow of traffic on the state highway, then a stacking lane and/or traffic signal shall be shown on the site plan and shall be a requirement of the development to be paid for by the developer.

(c) Parking: In an Institutional/Commercial Development, there shall be 4 parking spaces provided for every 1,000 square feet of gross floor area in the commercial buildings (excluding basement area and mezzanine) and 1 parking space for every 4 seats to be available in the auditorium or principal meeting space of the tax-exempt institution (whichever holds more seats) provided that parking spaces for one use may be considered for another use upon a reliable finding that a use does not reasonably require some of its parking. In the event that the traffic study establishes that the parking requirement as computed herein is in excess of anticipated requirements, the Planning Board may permit some parking spaces to remain un-built pending possible future need. Parking shall be in

areas which are conveniently located with respect to the use for which the parking is provided. Parking shall be separated from the driveway system. Pedestrian walkways through parking areas shall be clearly delineated through the use of different paving materials, landscaped features and similar treatments. The design standards for parking set out in Section VII.H.1-6, 8 and 10 shall be applicable, provided that the minimum width of maneuvering aisles within parking areas shall be 22 feet for two-way traffic and 12 feet for one-way traffic. Parking shall be restricted to users of the Institutional/Commercial Development. Parking, except for security vehicles, vehicles of employees on site after hours, and vehicles serving the institutional use, shall not be permitted between 10:30 P.M. and 5:30 A.M., and effective measures shall be taken to enforce this restriction, absent which the Planning Board may, following notice and hearing, amend the special permit to require such effective measures to restrict after hours parking.

(d) Landscape, Lighting and Security: Areas not required for the buildings, parking areas, driveways, sidewalks/walkways, the pharmacy's drive-through, the institution's pick-up/drop-off area and other areas shown as paved on the site plan, shall be landscaped so as to enhance the site. Set-back areas shall include a combination of preserved landscape and large trees and newly designed landscape elements. There shall be a public meeting area convenient to the market that is located to enhance pedestrian use of the commercial buildings and to enhance and encourage pedestrian and bicycle access to the site. The landscaping plan shall include a lighting plan which provides lighting that is reasonably adequate to illuminate the driveway, walkway, sidewalk, parking, and public areas without any significant light overspill into nearby residential areas. Lighting fixtures shall have a period design appropriate to the site. To the extent possible, the irrigation system for the landscaping shall take advantage of best practices for the recycling of water collected on the site. There shall be a security camera system providing 24 hour surveillance of the driveway, buildings, and parking lots. Details of the camera system design shall be developed in conjunction with the Milton Police Department.

(e) Traffic Control, Cost of Mitigation, Traffic Mitigation Escrow Fund and Review of Mitigation Measures: Adverse detrimental impacts caused by increases of traffic in the state highway and town streets attributable to the development shall be mitigated by appropriate, effective measures. The Planning Board shall impose the traffic control and /or mitigation measures identified in the traffic study or such other measures, which may be suggested by a traffic engineer retained by the Planning Board and which it determines are likely to result in the requisite mitigation of adverse or detrimental impacts . The developer shall pay for the costs of all action, construction and measures which the Planning Board requires be taken to mitigate adverse or detrimental impacts of the development and its operations. In the event that the Planning Board determines that there are measures to be taken by the Town at the developer's expense to mitigate the adverse effect of increased traffic, a traffic mitigation escrow fund shall be established to hold and disburse sufficient funds, provided by the developer, to pay for those mitigation measures to be taken by the Town. One year following commencement of full operations at the pharmacy and market, traffic mitigation measures required by the special permit shall be reviewed for their effectiveness in mitigating adverse or detrimental consequences and if the measures are not substantially effective, the Planning Board,

following notice and hearing, may amend the special permit to impose additional measures.

(f) Noise Control: Noise emitted by activities in an Institutional/Commercial Development shall be kept as low as reasonably possible, especially noise impacting nearby residences in the early morning and evening hours. The Planning Board shall impose the noise control measures identified in the noise study or such other measures, including those suggested by a noise control expert retained by the Planning Board, which it determines are likely to result in effective noise control.

(g) Property Values: The Planning Board shall not issue a special permit for Institutional/Commercial Development if it shall find that there is likely to be a decrease of real estate property values, attributable to the development with respect to real property within 500 feet of a lot line of the development at the one-year anniversary of completion of construction, unless the Planning Board shall provide for effective, adequate mitigation of this adverse impact on property values.

(h) Playground: In the event that one of the tax-exempt uses shall be a pre-school, there shall be a fenced playground for use by the students, Use of the playground by neighborhood, pre-school children at one or more designated times during the day when the pre-school is not in operation shall be permitted provided that responsible adult supervision is provided for the children that the playground is not abused, that the institution and pre-school are held harmless and indemnified for any injuries occurring during such use, that such use does not violate the rights of nearby residents to the quiet enjoyment of their property, and that effective measures are taken to prevent parking on neighborhood streets by persons bringing children to the playground by car.

(i) Rock Excavation: The special permit shall provide that prior to conducting any rock excavation or blasting on a site proposed for an Institutional/ Commercial Development the developer shall conduct a detailed pre-blasting video survey of all buildings and walls within 500 feet of the proposed blasting. Such survey shall be prepared consistent with all standards in the industry for such work. The developer shall also prepare a blasting plan in compliance with all applicable laws, regulations and best practices in connection with any proposed blasting. The survey and blasting plan for the project shall be submitted to a committee on blasting, comprised of the Fire Chief, Town Engineer, and Building Commissioner for review and approval. The issuance of a blasting permit shall be required before any blasting may occur.

(i) Retaining Walls: Retaining walls in an Institutional/Commercial development shall be considered a significant design element. Projects shall be designed to reduce the number and height of retaining walls to the greatest extent possible consistent with good site design. Walls shall be designed to enhance the appearance of the site. Whenever possible, natural rock faces shall be retained. Materials for walls shall be selected to blend with the native stone on the site. Where feasible, walls in excess of eight (8) feet in height shall be designed into two wall sections with an intervening planted terrace. No wall in excess of fifteen (15) feet shall be permitted without a specific showing of necessity. All walls in excess of four (4) feet shall have safety barriers or fences that prevent dangerous conditions at the top of the walls.

4. Compliance Responsibility: The owner of the commercial parcel shall have the primary responsibility for ensuring proper maintenance, plowing and security and for enforcement of hours of operation, of parking restrictions and of other special permit

requirements for the commercial areas. The tax-exempt institution applying for the permit shall have the primary responsibility for ensuring proper maintenance, plowing, security and enforcement of special permit requirements, for any area owned by the institution. The owner of the commercial parcel or the institution may contract with other responsible persons or entities for meeting some or all of these obligations and requirements and shall give notice the Town Administrator and Planning Director as to the names and addresses of such persons or entities.. If, after notice of a violation of the special permit, a person or entity under contract fails to provide services or to take prompt measures to correct the violation, the owner of the commercial parcel, with respect to its areas of responsibility, or the institution, with respect to its area of responsibility, upon notice shall correct the violation forthwith and take effective steps to ensure future compliance by the person or entity under contract to provide the services. The owner of the commercial parcel, the institution, any other persons or entities named in the special permit as responsible for these matters, and any lessee or sublease of commercial or institutional space in the Institutional/Commercial Development shall be obligated to comply with all applicable requirements of the special permit, and these requirements shall be enforceable against such owner, institution, persons and entities.

5. Application Review Fees: When reviewing an application for a special permit for Institutional/ Commercial Development, the Planning Board shall secure the assistance of consultants who are expert in the matters under review and who can assist the Planning Board in analyzing the material in the application for efficacy, accuracy and completeness. As part of a peer review of the material submitted by the applicant's experts, these experts hired by the Planning Board may recommend changes and additions to applicant's expert's material so as to better serve or accomplish any task, design or function under review. The traffic engineer hired by the Planning Board shall analyze the traffic study submitted by the applicant and shall carefully scrutinize projections of traffic volumes and proposed mitigation measures and designs for mitigation of all adverse impacts, particularly the impacts on the state highway and all impacted neighborhood streets; the traffic engineer may recommend changes or supplements to mitigation measures and designs. The noise expert hired by the Planning Board shall analyze the noise study submitted by the applicant and shall carefully scrutinize the projected noise impacts of the various elements of the project and may recommend noise abatement measures or designs alternative to or in addition to those recommended by applicant's expert. Other experts shall similarly review other material submitted by applicant and may recommend changes in proposed measures or designs. The Planning Board may adopt any such recommendations as part of a special permit. Experts may include disinterested engineers, planners, architects, landscape architects, appraisers, or other professionals with specialized expertise. The Planning Board shall require that an applicant pay a review fee, consisting of the reasonable costs estimated by the Planning Board for employment of the experts. Expenditures may be made at the direction of the Planning Board and shall be made only in connection with the review of the application. Failure of the applicant to pay a review fee upon request shall be grounds for denial of the application. At the completion of the Planning Board's review of an application, any excess amount of the review fee shall be repaid to the applicant. A final report of expenditures shall be provided to the applicant.

6. Notice, Procedures and Standards for Decision: The notice and procedural requirements set out in Section IX.B and C shall apply to Special Permits for Institutional/ Commercial Development. In rendering a decision the Planning Board shall apply the standard set out in Section IX.C. The Planning Board may require changes in any of the plans and documents submitted as part of the application so that any such plans and documents, when referenced in the special permit, show a development engineered and designed pursuant to standards and in a manner of which the Planning Board approves. The Planning Board shall ensure in the special permit that there is a responsible person or entity or persons or entities who or which will have primary legal responsibility for compliance with all requirements, terms and conditions of the special permit and other applicable law. The Planning Board shall not issue any special permit for an Institutional/ Commercial Development without ensuring the matters set out herein. The Planning Board shall impose such terms, conditions and requirements in a special permit as it deems necessary to ensure these matters. In the event that a special permit for an Institutional/Commercial Development shall be issued for a lot of land, no use of the lot shall be made except as authorized by the special permit.

7. Time for Performance: A special permit issued pursuant to this subsection shall lapse if substantial construction is not commenced within two years after the special permit becomes final or if construction is not substantially completed within three years after the special permit becomes final provided that the Planning Board may extend the time for substantial completion for good cause shown.

8. Amendment: The Planning Board shall have the power to modify or change the terms of the special permit, after notice and hearing, upon the application of the owner of the commercial parcel with respect to its parcel or the institution with respect to its parcel. If the authority is specifically reserved in the special permit with respect to specified matters, the Planning Board may propose modifications or changes as to such matters. Standards for decision on an application for modification or change or on a Planning Board proposal for modification or change shall be the same as the standards for decision of a new application for a special permit.