

Article 10 Zoning Bylaws Amendment: § 275-12.4 Site Plan Approval

RECOMMENDED that the Town vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by replacing §275-12.4 Site Plan Approval with the following section.

§275-12.4 Site Plan Approval

A. Purpose

The purpose of this Section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing a means to determine whether a proposed use of land or structures is in compliance with sound site utilization principles relative to traffic circulation and safety, pedestrian safety and access, off-street parking and loading, emergency vehicle access, storm water drainage, screening, signage, exterior lighting, visual impact of parking, storage or other service areas, and consistency with character and scale of surrounding landscape and buildings.

B. Applicability

- a) Whenever site plan approval is required under the provisions of this Chapter, the procedure set forth in this section shall be followed.
- b) The following activities and uses require site plan approval by the Planning Board (“Board”):
 - 1) Construction, redevelopment or expansion of multifamily residences and ADU’s;
 - 2) Construction, redevelopment or expansion of mixed-use or commercial buildings of 800 square feet or more;
 - 3) Interior work causing any change of use or size shall be excluded from this site plan review requirement, with the exception of restaurant, bar or entertainment use, notwithstanding any other Zoning Bylaw provisions to the contrary; and
 - 4) Construction or expansion of parking, loading, service and access driveways associated with multifamily, mixed-use, commercial or other buildings, excluding single-family use.¹⁷

C. Application and Submission Requirements

(a) Pre-Application Conference.

Applicants are encouraged to discuss proposed applications with The Department of Planning and Community Development (“Planning Department”) prior to formally submitting such applications. At the conference, the Planning Department will determine if the application is in conformity to an adopted Master Plan (if applicable), and to the extent feasible, shall provide the applicant with an indication of whether the proposal, in its major features, is acceptable or might be modified before expenditures for more detailed planning and engineering are made. In addition, the Board may hold pre-application conferences at any regular or special meetings of the Board to discuss the proposed development and any unusual features on the site that require special treatment. This meeting may also provide an opportunity to discuss the procedures, waiver requests and information the Board will need to coordinate reviews if the development requires other Town approvals and request impact analyses, such as a traffic study. Applicants may request an appointment on the agenda of the Board with the Planning Department, the scheduling of which is at the sole discretion of the Board. Submission of brief explanatory material, including the property owner’s name, the applicant’s name, assessor’s map, site address, plot plan (if available), sketch or description of new development or proposed changes, and any applicable forms to the Planning Department by the Friday before the meeting for inclusion in the Board’s information packets is required.

(b) Submission.

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Applications for site plan approval must be complete when submitted for approval. A complete application will consist of all plans, documents, forms, calculations, and filing fees, in size, number and amount as prescribed in this Chapter. The Planning Department shall review the application for completeness and, in the event that such application is incomplete, shall notify the applicant of the incomplete items.

(c) Application Form.

Applications for site plan approval shall be made on an official form, which shall be provided by the Planning Department upon request. The application form and any checklists, or other administrative documents may be revised from time to time by the Planning Department or the Board without public hearing.

(d) Plans and Plan Content.

As part of any application for site plan approval the applicant must submit the following documents in electronic format to the Planning Department. Physical copies may be requested by the Board:

- 1) Application and fee for site plan approval;
- 2) Existing conditions survey that indicates boundaries, dimensions, area, use, ownership and zoning of the subject parcel and adjacent parcels. It shall include existing structures, parking areas, open space features, walls, fences, trees of 12 inches caliper or more, utilities, easements, wetlands and wetlands buffer zones, and topography with contours at 1-foot intervals. Additionally, the survey shall include contours, buildings, and trees of 12 inches caliper or more on adjacent parcels within thirty (30) feet of lot boundaries;
- 3) Existing conditions narrative, including adjacent neighborhood and historic context, with photographs and diagrams as appropriate;
- 4) Zoning narrative that demonstrates compliance with applicable requirements of this Chapter and the Rules and Regulations of the Planning Board;
- 5) Design narrative that describes compliance with applicable design standards and guidelines;
- 6) Site plans that show required setbacks, the position of the building(s) on the site, building(s) setback dimensions, points of vehicular access to and from the site and vehicular circulation within the site, parking areas, open space areas, stormwater management, utilities, dimensions of building(s) and parking areas, proposed grading, retaining walls and other information commonly required for site plan approval. Where a portion of the site is to remain undisturbed by the proposed work, such area shall be so indicated on the plan;
- 7) Landscape plans that show layout, species, spacing, sizes, quantities and details for all plant materials, and locations and details of hardscape, fencing and landscape walls;
- 8) Tree preservation plan with calculated caliper of total existing trees and total of trees to be removed;
- 9) Architectural plans, building elevations and sections, three dimensional views and renderings of the building(s) showing the architectural design of the building(s) in context. Drawings shall indicate proposed materials and colors;
- 10) Site sections that graphically represent all slope cuts and fills, structures, retaining walls and significant land features;

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- 11) Cut and fill plan with calculated quantities of cut and fill to be used on site, removed from site and added to the site;
- 12) Traffic impact analysis for projects with ten (10) or more parking spaces;
- 13) Parking and transportation demand management plan (PTDM) as described in §275-20.5 and, if applicable, proof of payment of the transportation mitigation fee described in §275-20.6.
- 14) Photometric plan that shows locations and specifications for all exterior lighting fixtures and lighting photometrics for projects that include ten (10) or more parking spaces;
- 15) Shadow study for projects proposing buildings greater than 35 feet in height;
- 16) Preliminary construction management plan;
- 17) 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 Milton under MGL c. 131, § 40, or Chapter [26045](#) of the General Bylaws of the Town of Milton;

All site plans shall be prepared by a licensed architect, landscape architect, and/or a civil engineer, all landscape plans shall be prepared by a licensed landscape architect, and all building plans, elevations, sections and renderings shall be prepared by a licensed architect, all disciplines licensed in the Commonwealth of Massachusetts. Upon written request, the Board may, at its discretion, waive the submission by the applicant of any of the required information.

D. Procedures

- a) Upon receipt of a complete application to the Planning Department, the application shall be circulated, as appropriate, to the Building Commissioner, Fire Department, Police Department, Historical Commission, and Engineering Department, requesting comments by the first public hearing. For development applications within a Local Historic District, if applicable, the Board shall seek comments from the Historical Commission before the first public hearing; filing with the Historical Commission is recommended prior to submission to the Board.
- b) The Board shall conduct a public hearing. Subsequent changes and revisions to application materials shall be submitted with a narrative summarizing the changes in the new submittal.

E. Outside Consultants

When reviewing an application, the Board may determine that the assistance of outside consultants is warranted due to the size or complexity of a proposed project or because of the project's potential impacts. The Board may require that applicants pay a review fee consisting of the reasonable costs incurred by the Board to assist in the review of applications. The Board may engage engineers, architects, landscape architects, planners, or other appropriate professionals who can assist the Board in analyzing an application to ensure compliance with all relevant laws, bylaws and regulations.

F. Review Standards

The Board will consider the following in its review:

- (a) Location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including bulk, height, scale, massing, materials, roof and cornice lines and color;

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- (b) Sustainable, climate-sensitive, and environmentally conscious site design practices;**
- (c) Preservation of existing natural landscape features and trees;**
- (d) Open space and landscape design;**
- (e) Existing topographic characteristics and proposed topographic changes;**
- (f) Vehicular, emergency service, non-vehicular/multi-modal and pedestrian access and circulation;**
- (g) Design of the streetscape and transition between abutting properties;**
- (h) Location, design and screening of parking and service areas;**
- (i) Loading, delivery, waste and snow removal management;**
- (j) Protection of surface and ground water quality;**
- (l) Location of public and private infrastructure and utilities;**
- (m) Site security features, such as fencing and lighting;**
- (n) Site and exterior building lighting;**
- (o) Site and building signage;**
- (p) Historic significance and impacts on historic structures or landscapes;**
- (q) Protection and mitigation of adjacent properties against detrimental impacts (surface water drainage, light, sound and sight buffers and preservation of views, light, and air); and**
- (r) Other aspects of site design that may be reasonably within the spirit and intent of this section.**

G. Site Design Standards

- a) Connections. Sidewalks shall provide direct connections among building entrances, public sidewalk (if applicable), bicycle storage, and parking.**
- b) Vehicular access. Where feasible, curb cuts shall be minimized and shared driveways encouraged. The maximum driveway width shall be 24 feet for development with 10 or more parking spaces and 12 feet for development with less than ten (10) parking spaces.**
- c) Parking areas shall be designed so that vehicles may exit without backing into a public street to the extent reasonably practicable.**
- d) Open space. Acceptable activities within minimum required open space, where applicable, include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, courtyards, patios, decks, play areas and other low-impact recreational activities. Required open space shall not contain habitable structures, streets, driveways, or surface parking.**
- e) Playground and recreation areas. Any development containing forty (40) or more units shall provide an outdoor play area or common space for use by families with children.**

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- f) **Setbacks.** No structure shall be erected within the required setbacks as specified in this Chapter. Driveways may be located within the required setbacks provided that no more than 30 percent of the setback area shall be paved.
- g) **Parking location.** Surface parking shall be located to the sides and rear to the greatest extent possible.
- h) **Landscaping at parking perimeter.** A landscape buffer shall be provided at the parking perimeter. Shade trees, ornamental trees, shrubs, and other plant materials shall be included in the buffer as is reasonable. The minimum width of the buffer shall be 5 feet.
- i) **Landscaping at parking interior.** A minimum of a five-foot wide landscape divider shall be provided between every 10 parking spaces, and a shade tree shall be planted between every 20 parking spaces. A minimum of a five-foot-wide terminus landscape island shall be provided at the beginning and end of each row, and a shade tree shall be planted in each terminus island.
- j) **Screening for parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- k) **Parking materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, gravel, pea stone, crushed shells or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- l) **Existing landscape.** Incorporate significant existing site features, such as trees of 12 inches caliper or more located within setbacks, stone walls, and historic fences into new development to the greatest extent possible.
- m) **Landscaping.** Use landscape design as a placemaking feature and not exclusively as a buffer.
- n) **Plantings.** Plantings shall include species that are native or adapted to the region and shall include shade trees. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited. Deciduous trees shall be at least three inches (3") in caliper as measured six inches (6") above the root ball at time of planting. Deciduous trees used for screening shall be expected to reach a height of 20 feet within ten (10) years after planting. Evergreen trees used for screening shall be a minimum of ten (10') feet in height at the time of planting. Where the Board determines that the planting of trees is impractical, the applicant may substitute shrubbery for trees. Shrubs and hedges shall be at least 3feet in height at the time of planting and have a spread of at least 24 inches.
- o) **Groundcover.** Groundcover plantings are preferable to mulch where practical. Large areas of lawn are not desirable. Plantings with lower requirements for irrigation, fertilization and pesticide use are encouraged. Plants with similar cultural requirements should be grouped together.
- p) **Outdoor Lighting.** Light levels shall not exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skylight. Light fixtures shall be Dark-Sky compliant and meet International Dark Sky Association certification requirements.
- q) **Mechanicals.** Mechanical equipment at ground level shall not be located in the front yard setback nor in open space and shall be screened by a combination of fencing and evergreen plantings. Rooftop mechanical equipment shall be screened and incorporated into the architectural design.

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- r) **Electrical transformers and generators.** Electrical transformers and generators shall not be located at grade within the required setbacks to the extent allowed by utility company. Applicants shall consider locating transformers within buildings or within below grade vaults and locating generators on roofs. Transformers and generators located at grade shall be screened by a combination of fencing and evergreen plantings to the extent allowed by utility companies.
- s) **Utilities.** Locate utility meters to minimize their visibility. Integrate them into the building and site design. Minimize the visibility of utility connections.
- t) **Dumpsters.** Dumpsters shall be screened by a combination of fencing and planting. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- u) **Resiliency and Sustainability.** Consider present and future climate conditions in assessing project environmental impacts, including carbon emissions, extreme precipitation, extreme heat, and sea level rise. Projects must identify site and building strategies that eliminate, reduce, and mitigate adverse impacts including those due to changing climate conditions.
- v) **Renewable Energy.** Projects shall consider access to solar energy in building placement, orientation and design.
- w) Projects shall utilize low impact development strategies to the greatest extent possible, such as limiting the amount of impervious area, preserving and creating connected natural spaces, and using green infrastructure techniques such as rainwater harvesting, rain gardens, pollinator gardens, bioswales, permeable pavement, green roofs and tree canopy.
- x) **Stormwater management.** The application shall include ~~s~~trategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Milton MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

H. General Building Design Standards:

- a) The primary building shall have its principal façade and entrance facing the principal street.
- b) Entries shall be clearly defined and linked to a paved pedestrian network that includes a public sidewalk, if available.
- c) Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.
- d) Corner lots: A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- e) All façades shall be treated with similar care and attention in terms of entries, fenestration, and materials.
- f) Emergency exits should be integrated into the building architecture.

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- g) **Infill lots.** Infill buildings shall meet the requirements of each subdistrict's front yard setback, unless the adjacent buildings are set back a distance that is less than the minimum front yard requirements. In that case, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
- h) **Parking shall be subordinate in design and location to the principal building façade.**
 - 1. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way unless approved by the Board.
 - 2. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - 3. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
- i) Buildings greater than forty (40) feet in length, measured horizontally, shall incorporate wall plane recesses or projections having a depth not less than four (4) feet and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of façade shall exceed forty (40) horizontal feet. No projection shall extend into a required setback.
- j) Buildings shall have a clearly defined base and roof edge so that the façade has a distinct base, middle, and top.
- k) All sides of buildings shall be given as much architectural detail as the front. The building shall present a unified architectural design approach. Where windows are not possible or appropriate for the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- l) (l) Change in material shall accompany a change in form or plane and shall not be used within the same plane to reduce perceived bulk.
- m) (m) Use durable materials that convey scale in their proportion, texture, finish and detailing and that contribute to the visual continuity of existing historic neighborhoods. Windows and doors shall have low reflectivity glass.
- n) (n) Locate an addition to the side or rear of the existing building to the greatest extent possible.
- o) (o) Entrances, exits, windows and doors shall be surrounded by architectural detail that highlights these features of the façade.
- p) (p) In general, all windows shall be taller than they are wide. This requirement shall apply to windows on the first floor as well as upper floors. Windows shall be inset in order to create a shadow line and broken up with the use of mullions when possible.
- q) (q) All stairways to upper floors shall be enclosed within the exterior walls of buildings.
- r) (r) Garage entrances and service and loading areas shall not face an open space or street directly unless no other location is feasible.
- s) (s) Rooftop terraces shall be set back a minimum of ten (10) feet from any façade wall and secured by a perimeter fence at least four (4) feet in height.

I. Building Design Standards: Multiple Buildings on a Parcel

- a) For a mixed-use development, uses may be mixed within the buildings or in separate buildings.

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- b) Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.**
- c) A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.**
- d) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façades shall be treated with the same care and attention in terms of entries, fenestration, and materials.**
- e) The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.**

J. Building Design Standards: Mixed-Use Development

- a) In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.**
- b) Retail facades shall have a greater proportion of transparency than solids.**
- c) Retail facades shall include small setbacks at street level to incorporate seating, displays and rain cover.**
- d) Sidewalk width at retail facades shall be a minimum of 10 feet.**
- e) Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.**
- f) Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.**

K. Design Guidelines

The Board may adopt and amend, by simple majority vote, Design Guidelines which shall be applicable to all rehabilitation, redevelopment, or new construction within the applicable districts. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

L. Waivers

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

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The Board may, upon written request of the applicant, waive site and/or building design standards of this Section, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of this Section.

M. Authority of the Board

- a) Whenever an activity or use requires both site plan approval and one or more special permits, the Board shall conduct such reviews concurrently.
- b) The Board may impose reasonable conditions necessary to satisfy compliance with the Review Standards in Section F.
- c) The Board may reject any plan which fails to meet standards for health, safety, welfare and amenities appropriate to the special needs of the persons by whom such buildings are intended to be occupied and appropriate to the maintenance and preservation of health, safety, welfare and amenities in relation to adjacent and other properties in the neighborhood.
- d) The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion. All of the provisions of this Section applicable to approval shall, where apt, be applicable to such modification or amendment.

N. Timeline

Site Plan Approval review should be commenced no later than 30 days of after the submission of a complete application and should be completed expeditiously. In general, site plan review of projects of average complexity should be completed no more than 6 months after the submission.

O. Decision

The decision of the Board shall be by a majority vote of the Board as constituted (i.e., three affirmative votes).

P. Project Phasing

An Applicant may propose, in a Site Plan Approval submission, that a project be developed in phases subject to the approval of the Board, provided that the submission shows the full buildup of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid affordability requirement provisions, if applicable.

Q. Appeal

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

R. Severability

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of Section shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Section shall not affect the validity of the remainder of Milton's Zoning Bylaw.

And to authorize the Town Clerk to make clerical revisions to section numbers and headings.

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COMMENT: This Article seeks to amend Chapter 275 of the General Bylaws by replacing the existing Site Plan Approval section with a comprehensive new version. Contained within the recommendation are typographical and other slight changes made by the Warrant Committee which were accepted unanimously by the Planning Board. A majority of the corrections made to the article were typographical in nature, similar to the work done with the Accessory Dwelling Unit (ADU) Article, also submitted by the Planning Board. This amendment establishes detailed procedures and standards for reviewing construction and development projects in the Town, particularly focusing on multi-family residences, ADUs, mixed-use developments, and commercial buildings over 800 square feet. Notably, while most interior work is excluded from site plan review requirements, any interior changes related to restaurants, bars, or entertainment uses will require continued review. The purpose is to protect public welfare by ensuring new developments meet standards for traffic safety, pedestrian access, parking, emergency access, drainage, signage, exterior lighting and visual consistency with surrounding areas.

The new section proposed provides extensive requirements for application submissions, including detailed plans and studies, and establishes specific design standards for everything from parking layout to building aesthetics. It includes requirements for sustainable design, landscape preservation, lighting, and stormwater management. The amendment also outlines the Planning Board's review process, including public hearings, the ability to hire outside consultants, and enforcement powers. Notable features in the new Site Plan Approval include requirements for playground areas in large developments, specific landscaping standards for parking areas, and detailed architectural guidelines for building facades and entrances. The proposal includes provisions for waivers, appeals, and project phasing.

The Warrant Committee discussed at length this article in conjunction with the Planning Board at a dual meeting between the two groups. Of interest during the review and discussion of the article, was the legitimacy of requiring a restaurant and bar to go through a Site Plan Approval if there were only interior changes made to the property. The Warrant Committee agreed that any interior changes to a restaurant or bar would need to go through a Site Plan Approval which requires a public hearing. A public hearing allows neighbors and other affected parties to comment and make suggestions due to possible changes in the number of seats which could drive substantial impact to the neighborhood, noise generated, noxious odors, hours of operation if the establishment is open later, parking – with or without a valet, loading zones, safety, additional traffic, and potential outdoor gathering spaces. Given the fact that our business districts are contiguous with residential neighborhoods, the Warrant Committee believes that public comments on matters such as these are critical to maintaining the quiet and safety of our residential streets. The Warrant Committee took note of the recent developments in East Milton Square concerning the Milton Marketplace and the citizens' response to the new proposed establishment. Commercial establishments that offer food, drink and potentially entertainment are significantly distinct by their nature from residences, single or multi-family, and require greater oversight by an elected board. The Warrant Committee voted to approve the Site Plan Approval Article proposed by the Planning Board, after amendment, and as written in this comment.