

§ 205-76. Movie and Entertainment Production Overlay District (MEPOD)
[Added xx-xx-2008 October ATM by Art. XX]

A. **Intent.** The intent of this district is:

- (1) To allow for creation of a **Movie and Entertainment Production Studio Development** for motion picture, television, commercial productions and other ancillary uses.
- (2) To allow for commercial, retail, cultural and educational uses that are ancillary to a movie and entertainment production facility.
- (3) To encourage low impact mixed use development on large, well-buffered sites.
- (4) To increase the net tax base of the Town and provide quality employment opportunities for Plymouth residents.
- (5) To encourage development utilizing the highest quality design standards.
- (6) To ensure that development is designed in harmony with the topographical and vegetative character of the land.
- (7) To promote development of the creative arts production in Plymouth.
- (8) To allow an alternative form of land use development consistent with sound design principles for a Movie and Entertainment Production Studio Development, including diverse and integrated land development for commercial production of various media, including live action motion pictures, animations, commercials and videos, music and theater, ancillary support facilities including related commercial, retail, cultural and educational activities, restaurants, offices, services, day spas, community facilities, theaters, support facilities including a hotel and associated meeting facilities, artists' and other housing, and active and passive indoor and outdoor recreational uses.

B. **Establishment and Location.** The Movie and Entertainment Production Overlay District (MEPOD) shall be considered as overlaying other zoning districts and is delineated on Zoning Map No. 1. For any Development Project proposed within the MEPOD, the provisions of the MEPOD as detailed in this Section 205-76, shall govern over all inconsistent use and dimensional requirements and restrictions of the underlying zoning district. The Planning Board of the Town of Plymouth shall act as the authority designated to review projects and issue site approvals under this Section 205-76, and as the Special Permit Granting Authority, if applicable, under this Section 205-76.

C. **Definitions.**

ARTISTS' HOUSING - Artists' Housing shall be rental housing units for use by persons involved in the activities of the Development Project.

BUFFER - Land established to protect adjacent land uses of a different character by keeping the land in its open, natural state, subject to the provisions of Section 205-76F(5) below. If not naturally vegetated, this area shall be fully landscaped to provide a visual and sound barrier between land uses.

9.15.08 (Final)

CULTURAL FACILITIES - Cultural facilities are libraries, art galleries, archives, museums, places of worship or similar institutions and uses.

DESIGN STANDARDS - The document entitled Design Standards for the Movie and Entertainment Production Overlay District, adopted by the Planning Board of the Town of Plymouth pursuant to Section 205-76H below. Said Design Standards are applicable to all Development Projects within the MEPOD.

DEVELOPMENT PROJECT - The Development Project is the Movie and Entertainment Production Studio Development to be constructed and operated on the Property.

EDUCATIONAL/RESEARCH CAMPUS - An Educational/Research Campus is an integrated group of buildings that are used by or in conjunction with educational uses relating to cinema, art, entertainment or other similar cultural endeavors, including research.

GROSS FLOOR AREA - For purposes of this Section 205-76, the sum of the areas of each floor in a building measured from the exterior faces of exterior walls or from the center lines of party walls, including the area at each floor in the structure, except: (1) attic space less than five feet zero inches in height; (2) cellar space less than six feet zero inches in height; and (3) Structured Parking facilities.

MEPOD - A MEPOD is the Movie and Entertainment Production Overlay District, established by this Section 205-76.

MOVIE AND ENTERTAINMENT PRODUCTION STUDIO DEVELOPMENT - A Movie and Entertainment Production Studio Development is a unified complex of structures, buildings and outdoor spaces that include a Studio Production Campus, and may include a Studio Amenity Campus, an Educational/Research Campus, and Open Space Areas.

OPEN SPACE AREAS - Open Space Areas are the portions of the Property (if any) which are designated as being part of the Development Project, subject to the provisions of Section 205-76J below.

OUTDOOR AMUSEMENT, WATER PARKS OR THEME PARKS - An establishment having amusement concessionaires and/or amusement devices, including theme entertainment parks, permanent carnivals, vehicular amusement parks, and similar facilities.

PROPERTY - The Property is the land, located wholly within the MEPOD on which the Development Project is to be constructed and developed.

SCREENING - Decorative walls, trees, shrubs, solid fencing or other view-obstructing materials used to conceal buildings, mechanical, electrical, and communications equipment and meters, trash dumpsters, delivery areas, outdoor storage and parking areas from view of traveled ways.

SITE PLAN APPROVAL - Site Plan Approval is the approval of a site plan issued by the Planning Board under this Section of the Bylaw, for a Development Project or a designated Phase of the Development Project. The Planning Board's Site Plan Approval for a proposed Development Project shall be based on a finding of compliance with this Section 205-76 and the Design Standards.

STRUCTURED PARKING - Parking contained within a building either above or below ground, or a free-standing parking facility.

STUDIO AMENITY CAMPUS - A Studio Amenity Campus is a multi-building, multi-use area that may include a mix of uses that are customarily associated with mixed use, low scale developments. The Studio Amenity Campus shall be designed and operated to support and serve the needs of the Studio Production Campus.

STUDIO PRODUCTION CAMPUS - A Studio Production Campus is an integrated, multi-building grouping for the commercial production of movies, videos and other media.

STUDIO THEATRE - A private theatre for special functions, movie premieres and cultural events.

D. Uses and Other Requirements.

- (1) The following are Allowed Uses subject to Site Plan Approval in a Movie and Entertainment Production Studio Development, provided, however:
 - (a) A Development Project shall be limited to 2,000,000 square feet of Gross Floor Area (as defined in this Section 205-76);
 - (b) The total number of residential Dwelling Units, excluding Artists' Housing, shall be limited to twenty-five (25) units, provided that no more than ten (10) units shall be detached single-family homes and the remainder shall be townhouses, multi-family dwellings, or dwelling units on upper floors of commercial buildings; and
 - (c) The total number of Artists' Housing units shall be limited to one hundred (100) units.
- (2) Within the Studio Production Campus:
 - (a) Allowed Uses:
 - [1] Studio production uses, and uses ancillary thereto, which may include: sound stages; music recording and mixing stages; outdoor back lots; administrative and business office use; media editing facilities; material warehouses central shop and mill; art craft production facilities; production and post-production services space; rental facilities and services; film, video and media storage and sales facilities; warehouse and outside storage of equipment; studio production offices; equipment rental/sales; storage and servicing of service vehicles and trailers used for off-site production purposes; medical facilities; food and beverage preparation; catering and dining operations and sales; meeting and special event facilities; day care centers; day spas, educational facilities; rental facilities for people-moving devices; storage areas; and operations and other, similar uses which are ancillary to or necessary for and integrated with the movie and entertainment production facility.

- [2] A Studio Theatre ancillary to studio production uses.
 - [3] Cultural Facilities.
 - [4] Passive and active recreational facilities.
 - [5] Educational uses, ancillary to the Educational/Research Campus.
 - [6] Uses relating to services for visitors to the Studio Production Campus, which may include: a commissary; commercial recreation (excluding in all events any amusement rides); medical services; hospitality services; sales of products and gifts relating to the Studio Production Campus and its operations; transportation facilities; food and beverage preparation; catering, and security.
- (b) **Size and other Requirements.** The Studio Production Campus shall not contain more than 1,250,000 square feet of Gross Floor Area. The Studio Production Campus shall not contain more than 400,000 square feet of Gross Floor Area of office space. The Studio Production Campus shall not contain more than fifteen (15) acres of outdoor back lots space.
- (3) Within the Studio Amenity Campus:
- (a) Allowed Uses, provided, however no single use, except day spa centers and hotel, shall exceed 25,000 square feet of Gross Floor Area, and the total retail and commercial use in the Studio Amenity Campus shall not exceed 60,000 square feet of Gross Floor Area, but not including a hotel, spa, or office uses:
 - [1] Professional and business offices, including a medical clinic.
 - [2] Cultural Facilities.
 - [3] Passive and active recreational facilities.
 - [4] Community meeting facilities.
 - [5] Day care (as defined in M.G.L. Chapter 28A, Section 9) and nursery uses.
 - [6] The following retail and commercial uses ancillary to a Studio Production Campus:
 - [a] Convenience retail establishments such as pharmacies, country stores, financial institutions, including ATMs, grocery and variety stores;
 - [b] Personal service establishments such as barber and beauty shops, laundry and dry-cleaning establishments, tailoring and garment repair shops, a fitness, wellness and day spa center and a health club; and

- [c] Restaurants and cafes.
 - [7] Artists' Housing, which may include a variety of dwelling units, including townhouses, multi-family dwellings, and dwelling units on upper floors of commercial buildings, and uses accessory to Artists' Housing, provided all Artists' Housing shall be occupied on a rental basis.
 - [8] Residential Dwelling Units, other than Artists' Housing, subject to the limitation set forth in Section D(1)(b) above.
 - [9] A hotel.
 - [10] Postal facilities.
 - [11] Meeting facilities/conference centers, visitor centers, and educational learning centers.
- (b) **Size and other Requirements.** The Studio Amenity Campus shall not contain more than 530,000 square feet of Gross Floor Area. The Studio Amenity Campus shall contain no more than 300 hotel rooms nor more than 400,000 square feet of Gross Floor Area of hotel. The Studio Amenity Campus shall not contain more than 100,000 square feet of Gross Floor Area of office space. No single building, except the hotel and spa, may contain more than 75,000 square feet of Gross Floor Area.
- (4) Within the Educational/Research Campus:
- (a) Allowed Uses:
 - [1] Educational uses, and uses ancillary thereto, relating to movie, arts, and entertainment production and the facilities located in the Studio Production Campus, which may include: private kindergarten through post-graduate and continuing education instructional uses; ancillary recreation, artistic and sporting uses; media, production and innovation technology-related research uses; and administrative office uses.
 - [2] Day care (as defined in M.G.L. Chapter 28A, Section 9) and nursery uses.
 - [3] Artists' Housing, which may include a variety of dwelling units, including townhouses, multi-family dwellings, and dwelling units on upper floors of commercial buildings, and uses accessory to Artists' Housing, provided all Artists' Housing shall be occupied on a rental basis.
 - [4] Residential Dwelling Units, other than Artists' Housing, subject to the limitation set forth in Section D(1)(b) above.

- (b) **Size and Other Requirements.** The Educational/Research Campus shall not contain more than 200,000 square feet of Gross Floor Area. The Educational/Research Campus shall not contain more than 100,000 square feet of Gross Floor Area of office space. No single building within the Educational/Research Campus shall contain more than 100,000 square feet of Gross Floor Area.

- (5) Within Open Space Areas:

Allowed Uses: Open Space Areas shall serve as buffers, large contiguous open areas, open fields, active or passive recreational areas, landscaped areas or yards for buildings.

- (6) Within all portions of the Property, generally:

- (a) Development infrastructure facilities, including:

- [1] Water storage systems.
- [2] Waste Water treatment facilities.
- [3] District heating and cooling facilities.
- [4] Emergency power generation facilities.
- [5] On and off site access roads.
- [6] Storm water retention facilities.
- [7] Facilities for the transmission of electronic media and data, including telecommunication facilities.
- [8] Energy conversion facilities.
- [9] Horticulture and agriculture.
- [10] Utilities, including but not limited to water and sewer lines. Provided, except for storm water retention facilities, access roads and utilities, the foregoing development infrastructure facilities shall not be allowed in any buffer areas.

- (b) Open Space Uses:

- [1] Passive and active recreation uses including golf, swimming, cross country skiing, sledding, walking and hiking trails.
- [2] Bike paths and trails.
- [3] Open space amenities such as benches, picnic tables, observation platforms.

[4] Supporting infrastructure deemed appropriate for the purpose of designating and protecting Open Space Areas, including signs, fences, etc.

(7) The following uses are allowed by Special Permit in a Movie and Entertainment Production Studio Development: Wind Energy Facilities, as defined in Section 205-73, Wind Energy Conversion Systems, as defined in Section 205-27(I). For the purposes of Section 205-76, the Planning Board shall be the Special Permit Granting Authority for Wind Energy Facilities and Wind Energy Conversion Systems.

E. **Adequate Access.** A Special Permit subject to environmental design conditions shall be required for any street or driveway access onto a Major Street, the intent of which is to provide access to the district, minimizing the disruption to the neighborhood and local roads. The Special Permit shall be subject to the Curb Cut provisions set forth in Section F(3) below. The Planning Board shall not issue a Major Street Access Special Permit unless the following conditions are satisfied:

- (1) At the peak hour of the average day the Development Project and existing traffic volumes do not exceed 85% of the capacity of Major Streets as defined in the traffic study; and
- (2) The traffic volumes projected to be generated by the Development Project and existing traffic will not cause the level of service of any traffic approach at intersections of Major Streets as defined in the traffic study to fall below a “D” level of service (as defined in the Highway Capacity Manual, Transportation Research Board, National Research Counsel, Washington, D.C. 2000).
- (3) In granting the Special Permit, the Planning Board shall make the following specific findings (“Findings”):
 - (a) that Major Street intersections and roads within a minimum radius of two (2) miles of the boundary of the Property will provide sufficient capacity to accommodate current and projected future traffic in a safe and efficient manner;
 - (b) that those intersections currently operating at an acceptable level-of-service (LOS) (defined as LOS “D” or better) will continue to operate under such conditions or better at the completion and occupancy of the Development Project; and
 - (c) that adequate regional traffic improvements are either in place or, as a condition of the granting of a Special Permit, will be required to be constructed and completed prior to or subsequent to the issuance of any Certificate of Occupancy for any portion of the Development Project in order to reasonably satisfy Findings (a) and (b) above.
- (4) In order to identify and mitigate transportation and traffic impacts of the development of a Development Project, and validate the foregoing Findings required to be made by the Planning Board:
 - (a) A transportation study shall be prepared and submitted by the applicant with the application for a Special Permit. The transportation study must identify and address the potential transportation impacts of the Development Project on the

Major Streets, highways and major intersections serving the proposed Development Project, and shall include travel routes to and from interchanges on State Highways located within a minimum radius of two (2) miles from the Property. The Planning Board shall select a qualified traffic engineer to determine the scope of the study. The transportation study shall include recommendations for specific traffic calming measures; roadway and intersection improvements; and pedestrian and bicycle amenities as may be required to accommodate projected traffic flows in a safe and efficient manner, accommodate all roadway users, and to maintain acceptable levels of service.

- (b) The Planning Board shall condition the grant of the Special Permit on such traffic and mitigation strategies, which may include without limitation the design and construction of new roadway and intersection improvements, as the Planning Board may find are reasonably necessary to ensure that all roadways and intersections impacted by the Development Project shall continue to function at an acceptable level of service at full completion and occupancy of the Development Project.
- (c) The Planning Board shall condition the grant of a Special Permit on the implementation of such policies and programs for controlling traffic to and from the Development Project as the Planning Board shall find are reasonably necessary to ensure that the traffic impacts on abutting Major Streets and other local roads are minimized. Such policies and programs may include, without limitation: a transportation coordinator to be employed by the applicant to manage all traffic in and out of the Development Project; policies to direct all employees (other than local resident employees and emergency access) to access the Development Project from the a State Numbered Limited Access Highway Interchange, using highway routes between work and home; and all provided directions to the Development Project (including website directions) should direct all visitors to use a State Numbered Limited Access Highway, which may include reasonable commitments and arrangements to provide public transportation from the Development Project to the Downtown/Harbor District.

F. Dimensional and Other Requirements.

- (1) Table 205-76 (1) lists the dimensional requirements and Lot regulations applicable to a Development Project, in addition to the other dimensional requirements contained in this Section 205-76, but subject to the other provisions of this Section:

Table 205-76 (1) MEPOD Movie and Entertainment Production Studio Development Dimensional Requirements	
<u>Item</u>	<u>Dimensional Requirement</u>
Minimum Development Project Size:	200 acres
Maximum Development Project Size:	250 acres
Minimum Development Project Frontage:	200 feet
Floor Area Ratio:	0.25 ¹ (applicable to the Property as a whole)
Minimum Depth of Buffer Areas:	
from all Boundaries of Adjoining Properties	40 feet
from all existing Major Streets	150 feet (subject to subsection F(5) below)
Minimum Lots Size within the Development Project	6,000 square feet
Minimum width of lots within the Development Project	25 feet
Minimum front yard within the Development Project	10 feet
Minimum side yard within the Development Project	0 feet
Minimum rear yard within the Development Project	10 Feet
Minimum Building Setbacks from Adjoining Properties and Major Streets:	
for Studio Production Campus	150 feet ²
For residential uses	40 feet
for all other areas	150 feet (subject to reduction as provided in subsection F(6) below)
Maximum Height of Structures ³ :	
Within the Studio Production Campus	65 feet (75 feet for one sound stage, not to exceed 50,000 square feet of Gross Floor Area)
Within the Studio Amenity Campus	45 feet
Within the Educational/Research Campus	45 feet
Within all other areas	45 feet
Maximum Lot Coverage:	25% (applicable to the Property as a whole and excluding Structured Parking)
Minimum Separation Between Buildings:	20 feet

¹ Structured Parking facilities shall be excluded from the Floor Area Ratio limitation.

² Sound Stages and back lots shall be a minimum of 500 feet from a Major Street.

³ If Structured Parking or an occupied floor is installed under a building, the height of the building is to be measured from the grade at the building entry facing a public way or internal roadway.

- (2) **Development Project Size.** Parcels of land divided solely by a Street may be considered one tract of land, for the purposes of the Minimum and Maximum Development Project size in this Section 205-76.
- (3) **Curb Cuts.** One (1) curb cut shall be allowed on a Major Street as defined by the Bylaw, provided that such curb cut is located within 1,000 feet of a limited access State Highway interchange, direct State Highway access, or access from a State Highway interchange ramp, and is intended as the primary means of access to a Development Project. A second curb cut shall be allowed on a Major Street, provided that said second curb cut is intended for secondary gated access for a Development Project, limited to access for (a) Dwelling Units, (b) employees of the Development Project, and (c) emergency vehicles.
- (4) **Street Frontage.** Structures in the Development Project shall front on internal access roadways and ways, and shall not front directly on any Street as defined in the Zoning Bylaw.
- (5) **Buffers.**
 - (a) Buffer areas shall consist of unimproved land in its natural vegetated state, and may include land in Open Space Areas. If no such natural Buffer exists, then a naturalized landscaped Buffer plan may be submitted to the Planning Board for approval.
 - (b) In determining the Development Project's buffer areas, any permanently protected conservation lands owned by the Town or any non-profit conservation organization which abut the Property may be included as part of the required buffer area.
 - (c) The Planning Board may increase the required buffer areas, Screening or require additional vegetation within buffer areas, to mitigate the noise and visual impacts of the Development Project on abutting properties.
 - (d) Buffer areas may be penetrated for crossings by new internal roads or new roads to connect the Development Project to existing Major Streets or other roads created as part of the Development Project, and by utility lines, and signage may be located within such areas, if approved pursuant to a Special Permit for Master Plan Signage.
- (6) **Setbacks.** The Planning Board may reduce the required setbacks from any Street or any internal roadway, with respect to any structures or improvements in the Development Project, if such reduction does not adversely affect abutting properties or the Town and results in a better layout, configuration and siting for the Development Project.

G. Site Plan Approval.

- (1) **Pre-application review:** The applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board. If a pre-application review is requested by the applicant, the Planning Board shall notify all interested boards and

committees of the date and time of said meeting, including but not limited to the Board of Selectmen, Design Review Board, and Board of Health. The purpose of the pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Planning Board prior to filing the application. At the pre-application review, the applicant shall outline the proposal and seek preliminary feedback from the Planning Board, other municipal review entities, and members of the public. The applicant is also encouraged to request a site visit by the Planning Board and/or its designee in order to facilitate pre-application review.

- (2) No building permit shall be issued for any construction unless Site Plan Approval has been granted by the Planning Board for such construction. In reviewing an application for Site Plan Approval, the Planning Board shall apply the criteria set forth below. In addition, the Planning Board must find that a Site Plan conforms to the objectives of this Section 205-76 and the Design Standards.
- (3) For the Initial Phase of the Development Project, and for each subsequent Phase for which Site Plan Approval is sought, the applicant shall submit site plans and all related narrative and graphic materials depicting the structures and other improvements to be constructed as part of such Phase ("Site Plan") to the Planning Board for its approval. The Site Plan shall include a development plan for such Phase, which addresses stormwater management, utility installation, off-site mitigation improvements, emergency access, roadway construction, and demonstrates compliance with the Design Standards. The Site Plan shall also include such detail and such other information as the Planning Board may require. An overall Master Site Plan shall be filed with the Initial Phase for review and approval by the Planning Board, and such Master Site Plan shall be updated from time to time subject to the approval of the Planning Board when Site Plans for Phases are presented for approval by the Planning Board.
- (4) Site Plan Approval shall require that the Town Engineer, Fire Chief, Department of Public Works, and Design Review Board have an opportunity to review, comment and make recommendations to the Planning Board on whether the Site Plan adequately addresses issues as specified in this Bylaw and Design Standards, including but not limited to (a) public health, safety, and convenience; (b) aesthetics; (c) pedestrian circulation within and outside of the site; (d) traffic circulation within and outside of the site; and (e) siting and design of structures, drainage, landscaping, and utilities.
- (5) In reviewing the application for Site Plan Approval for subsequent Phases, after the Initial Phase, the Planning Board, and such other agencies, shall review information regarding the impacts of previous Phases of the Development Project, and if such earlier Phases have traffic, environmental or other impacts substantially departing from those anticipated or projected, the Planning Board may impose additional conditions or restrictions on Site Plan Approvals for subsequent Phases, or require reasonable mitigation measures prior to approving a Site Plan.
- (6) The Planning Board may approve minor variations in the location and design of buildings, parking areas and other elements.

- (7) **Phasing.** The Development Project may be constructed in phases (“Phases”), provided:
- (a) As part of the Initial Site Plan submitted for approval, the applicant shall submit a phasing scheme and the proposed schedule of phasing for the Development Project.
 - (b) The Initial Phase of the Development Project for which a request for Site Plan Approval is to be made, and which is to be constructed and completed first (the “Initial Phase”) shall include, at a minimum, a sufficient portion of the Studio Production Campus so that, when completed, the Studio Production Campus shall be an operational movie and entertainment production facility, but in all events, such portion of the Studio Production Campus shall contain at least 400,000 square feet of Gross Floor Area (the “Initial Studio Production Campus”). For every gross square foot of building space constructed and permitted for occupancy within the Studio Amenity Campus or Educational/Research Campus two (2) gross square feet of Studio Production Campus building space must be constructed and permitted for occupancy.
- (8) The Planning Board shall review the Site Plan for the Initial Phase and for each subsequent Phase at public meetings, and the decision to grant Site Plan Approval shall be by written decision. Notice of the public meeting is required. Notice shall be given by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of such hearing. Notice shall be sent by mail, postage prepaid to the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300’) feet of the property line of the development as they appear on the most recent applicable tax list. The assessors maintaining any applicable tax list shall certify to the Planning Board that the names and addresses of parties in interest and such certification shall be conclusive for all purposes.
- (9) The submissions by the applicant for Site Plan Approval shall include:
- (a) A site plan or plans and site cross-sections depicting the proposed location of structures, open spaces and landscaping, proposed uses of the area, densities, curb cuts, proposed traffic circulation, parking and loading facilities, and access to public transportation;
 - (b) Building plans and building cross-sections which include proposed building elevations, proposed dimensions of structures, schematic layout drawings and exterior building materials; and
 - (c) Such other reports, information and materials as may be appropriate to demonstrate the Phase’s compliance with the terms of this Section, including three-dimensional electronic and/or physical models.

The Planning Board may request any additional information it deems necessary to insure it has sufficient information to determine general compliance with the objectives and standards for review of a proposed Development Project in a MEPOD.

- (10) In granting Site Plan Approval of the Initial Phase and each subsequent Phase, the Planning Board shall make specific findings that the Site Plan complies with the following Sections of the Bylaw: 205-17(E)(5) Fire Suppression; 205-18, and 205-65 Prevention of Light Pollution and design standards developed hereunder.
- (11) **Administration.** The Planning Board shall be the Approving Authority for Site Plan Approvals in the MEPOD, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. The Site Plan Review process encompasses the following:
 - (a) **Application procedures.**
 - [1] The applicant shall file the required number of copies of the application with the Town Clerk for certification of the date and time of filing, and with the Planning Board. Said filing shall include any required forms provided by the Planning Board.
 - [2] **Review fees.** The applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board. Such fees shall be held by the Town of Plymouth in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Site Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.
 - [3] Upon receipt by the Planning Board, applications for permits shall be distributed to at least the Design Review Board, Town Engineer, Fire Chief, and Board of Health. Such reports, which are advisory, shall be submitted to the Planning Board within sixty (60) days of filing of the application.
 - [4] Within thirty (30) days of filing of an application with the Planning Board, the Board or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the applicant certifying the completeness of the application. The Board or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.
 - (b) **Site Plan Approval decision.**
 - [1] The Planning Board shall make a decision on the Site Plan application, and shall file said decision with the Town Clerk, within ninety (90) days of the date that the application was received by the Town Clerk. The time limit for taking of action by the Planning Board may be extended by written agreement between the applicant and the Board. A copy of such agreement shall be filed with the Town Clerk.

- [2] The Board's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Site Plan Approval application. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Planning Board.
 - [3] The decision of the Planning Board, together with the detailed reasons therefore, shall be filed with the Town Clerk and the Building Inspector. A certified copy of the decision shall be mailed to the owner and to the applicant if other than the owner.
- (c) **Criteria for approval.** The Planning Board shall approve the Development Project upon finding that it complies with the purposes and standards of this Section 205-76 and the Design Standards.
 - (d) **Criteria for conditional approval.** The Planning Board may impose conditions on a Development Project as necessary to ensure compliance with the Movie and Entertainment Production Overlay District Requirements of this Section 205-76 and applicable Design Standards, or to mitigate significant adverse impacts of the Development Project on nearby properties.
 - (e) **Criteria for denial.** The Planning Board may deny an application for Site Plan Approval pursuant to this Section 205-76 if the Board finds one or more of the following:
 - [1] The Development Project does not meet the conditions and requirements set forth in this Section 205-76 and the Design Standards.
 - [2] The applicant failed to submit information and fees required and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts.

H. **Design Standards.**

To ensure that new development shall be of high quality, and shall be compatible with the character of building types, streetscapes, and other community features, the Planning Board shall adopt Design Standards relative to the issuance of Site Plan Approvals for Development Projects within the MEPOD and shall file a copy with the Town Clerk.

I. **Signs, Noise, Lighting, Parking.**

(1) **Signs.**

- (a) Signs shall be governed by this Section 205-76.

- (b) No signs visible from a Public Way shall be erected or maintained in a Development Project without a Special Permit for Master Plan Signage having been issued, pursuant to the provisions of Section 205-19 of the By-Law, to govern the size, quantity, location, illumination and nature of signs within the Development Project. The Planning Board shall be deemed the Special Permit Granting Authority for the granting of a Special Permit for Master Plan Signage in a Development Project.
- (c) The foregoing notwithstanding, the Planning Board may grant a special permit for a Development Project to exceed the requirements of Table 205-19-2 when the Planning Board finds that exceeding the requirements is appropriate to provide effective information to the general public, or improve traffic flow and safety or enhance environmental aesthetics through attractive design features and coordinated presentation elements.

(2) **Noise.**

- (a) The Development Project shall comply with the noise standards in Code of Massachusetts Regulations (310 CMR 7.10) and the following:
 - [1] Noise from the Development Project shall not increase the broadband sound level by more than 10 dB(A) above ambient; or
 - [2] The Development Project shall not produce a “pure tone” condition – when any octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

These criteria are measured both at the Property line and at the nearest inhabited residence. “Ambient” is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during operating hours.
- (b) A noise impact analysis shall be provided by the applicant as part of the Site Plan Approval to determine compliance with the foregoing and any other applicable local, State and Federal regulations.
- (c) The Site Plan Approval shall include criteria and limitations approved by the Planning Board with input from the Citizens Advisory Committee for temporary waivers of the requirements of clause 1 above in the Development Project by the Director of Inspectional Services for outdoor cinematic and television productions and filming.

(3) **Outdoor Lighting.**

- (a) No outdoor lighting shall be installed or used without compliance with the provisions of Section 205-65 Prevention of Light Pollution, in order to promote outdoor lighting standards so development permitted under this Bylaw shall not unreasonably interfere with the night time use, enjoyment and astronomical observations by abutting property owners.

- (b) Outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security should be employed.
 - (c) The Site Plan Approval shall include criteria and limitations approved by the Planning Board with input from the Citizens Advisory Committee for temporary waivers of the provisions of Section 205-65 in the Development Project by the Director of Inspectional Services for outdoor cinematic and television productions and filming, or temporary festive outdoor events.
- (4) **Parking and Loading.**
- (a) **Loading.** The requirements of Section 205-24 Off-street Loading, shall not be applicable to the Development Project, and shall be determined by the Design Standards.
 - (b) **Parking.** The number, type, size, configuration and location of parking and parking areas on the Property shall be determined by the Design Standards.

J. **Open Space.**

- (1) **Design and Location.** The Open Space Areas and other open space (including areas for recreational use) created within the Development Project (“Open Space”), shall be located, configured and designed to accomplish the following objectives:
- (a) To maintain as much land as possible in its natural state, or for specific and appropriate active or passive recreational purposes.
 - (b) To distribute the Open Space such that the entire Development Project is unified functionally and visually by such space.
 - (c) To provide Open Space and recreational areas. All parts of the Open Space shall be appropriate to their functions as buffers, large natural areas, open fields, active and passive recreational areas or yards for buildings.

K. **Waivers.**

Waivers with respect to the standards set forth in this Section 205-76 and Lot regulations and Natural features conservation sections of the Zoning Bylaw, may be authorized by the Planning Board in the Site Plan Approval, upon a specific finding by the Planning Board that: complying with such standard was not reasonably feasible or would result in an outcome which would be more negative to the objectives and intent of this Section 205-76 or the Zoning Bylaw than would result from such waiver; such waiver is to the minimum extent reasonably necessary; other modifications or benefits are being proposed by the applicant above those otherwise required under this Section 205-76 in order to mitigate or counterbalance the proposed waiver; and the proposed waiver(s) are of high standards and such departure from the general criteria will not violate the intent of this Section 205-76 or the Zoning Bylaw.

L. **Prohibited Uses.** Without limiting any other restrictions on use, the following uses are prohibited in a Development Project:

- (1) Sales of petroleum based fuels to the general public, including but not limited to home heating oil, diesel fuel, gasoline; sales, major automotive garages, any garage conducting repairs out of doors, tire recapping and retreading; trucking and automobile salvage yards.
- (2) Exterior storage of products or merchandise in substantial quantities; exterior storage of junk, scrap, salvage, any secondhand materials; exterior storage of bulk petroleum products; interior storage or transmission of refined petroleum products in such a way that rupture of the storage tank will result in direct leakage into the ground; disposal of liquid or leachable wastes, including land filling of sludge and septage; use of septic cleaners containing toxic organic chemicals; open or leachable storage of road salt or deicing chemicals; use of sodium chloride for ice control; disposal or stockpiling of snow or ice from outside the property; storage, generation, treatment or disposal of hazardous wastes; production, manufacture, or warehousing of hazardous or toxic substances; landfills or open dumps; storage of commercial fertilizers except in an approved storage structure; storage of animal manure unless contained; storage of any products, materials, or vehicles in connection with manufacturing or commercial uses not on the property.
- (3) Drive-in movie theaters; casinos; betting establishments, gaming establishments (except for the sale of government sponsored lottery or gaming programs) and racetracks: firing ranges; junkyards or recycling centers; or quarries.
- (4) Adult uses, including adult book stores, adult motion picture theaters, adult dance clubs, adult paraphernalia stores, adult video stores and other such uses under G.L. c. 40A § 9A; adult dance clubs, including entertainment establishments allowing one or more individuals to perform in the state of nudity, as defined under G.L. c. 272 §31.
- (5) No artistic productions shall be produced which motion picture industry standards would consider pornographic.
- (6) Helipads and heliports.
- (7) Outdoor Amusement, Water Parks or Theme Parks.

M. **Permits and Certificates of Occupancy.** Without limiting the Planning Board's ability to impose additional or higher requirements in any Site Plan Approval:

- (1) No building construction shall begin, and no Building Permits for any construction activities shall issue, for any portion of the Studio Amenity Campus or the Educational/Research Campus, until all necessary Permits have been obtained for the construction of the Initial Phase of the Studio Production Campus and substantial construction activities have begun on the Initial Phase of the Studio Production Campus (part of the Initial Phase of the Development Project).

- (2) No Certificate of Occupancy shall be issued for any portion of the Studio Amenity Campus until the Initial Phase of the Studio Production Campus has been completed and is operational.

N. **Committee, Agreements and Costs.**

- (1) **Citizens Advisory Committee.** In order to ensure that any unanticipated impacts of the Development Project, or any operational issues or any other community concerns can be effectively communicated to the applicant, and that the applicant has a mechanism to communicate with its neighbors, and that issues of concern can be shared in an appropriate, informal forum, a Citizens Advisory Committee shall be established for the proposed MEPOD zoning bylaw by the Planning Board.
- (2) **Project Agreements.** A Development Project may require a memorandum of understanding or other agreements reached among the applicant and the Town, and possibly other Town agencies, departments or commissions, the State, the Federal government, or other third parties, including non-profit entities. Said non-zoning agreements may be incorporated by reference and made a part of a Site Plan Approval.
- (3) **Costs of Consultants.** In reviewing applications for Site Plan Approvals, it may be necessary for the Planning Board to hire consultants and advisors to provide advice and assistance in evaluating the application and the Development Project and its impacts. The Planning Board shall be reimbursed by the applicant for the reasonable fees and expenses of such consultants and advisors, and the Planning Board may elect to require payment in advance of an estimated amount for payment of such fees, which shall be held and applied to such costs as incurred. Each application for any permit or approval under this Section 205-76 of the Bylaw shall be deemed to be the applicant's agreement to promptly pay to or reimburse the Planning Board for such reasonable costs, and confirm that in no event shall any Site Plan Approval be acted upon until all such amounts have been paid in full.