

THE PLANNING BOARD REVIEW PROCESS

The Planning Board has provided this information to explain what you can expect during the review of a project. It is not intended to be a legal guide. It is intended to help you understand the Planning Board's review process. For further information, you may contact the Planning Board office at (508) 699-0116, or visit the office located on the upper level of Town Hall.

1. Planning Board's Function

The Planning Board consists of five elected members. The Board has the responsibility to review proposed development projects and make decisions on them in accordance with state statute and local bylaws and regulations. The Board holds its meetings during the weekday evenings (typically on the first and third Thursday of each month, unless otherwise posted). During these meetings, the Board considers both plan applications that are reviewed as business items and plan applications that require a public hearing by statute and/or by local bylaws and regulations. Board members have a variety of backgrounds and volunteer their time to serve on the Board. They are assisted by a consulting engineer, and a professional staff that works in the Planning Board office during the day and also attends the Board's meetings.

2. Acquiring Information On Newly Proposed Applications

Applications, plans, and supporting materials are kept on file in the Planning Board office. Anyone is welcome to review this information and may request copies of any information on file. The cost for black and white photocopies is \$0.20 per page for 8 ½" x 11", and \$0.40 per page for 11" x 17". The cost for color photocopies is \$1.00 per page for 8 ½" x 11". Arrangements can be made to reproduce copies of full-sized plans. Our office is generally open on Monday, Tuesday, Wednesday 8:00 a.m.-4:00 p.m., Thursday 8:00 a.m.-6:00 p.m. and Friday 8:00 a.m.-12:00 p.m. During the months of July and August our office hours are Monday through Thursday 8:00 a.m. - 4:00 p.m. and Friday 8:00 a.m.-12:00 p.m.

3. Abutter Notification

You will only receive a hearing notice if you are an abutter (as defined by law) to a proposed development that will be reviewed by the Planning Board at a public hearing as part of a Planning Board meeting. The notice is required by statute to inform you that a public hearing is being held on the project. You will not receive a hearing notice if a proposed development does not require a public hearing and is being reviewed at a Planning Board meeting as a business item only.

4. Applications That Require The Planning Board To hold Public Hearings:

Subdivisions (Preliminary and Definitive)

Final Action Due: Preliminary Plan/45 Days from Date of Filing

***Final Action Due: Definitive Plan/135 Days from Date of Filing
(or 90 Days if Preliminary Plan has previously been filed)***

The Board acts on subdivisions based on the authority in the Massachusetts Subdivision Control Law (MGL Ch. 41, §81) and local Rules and Regulations Governing Subdivision of Land (adopted by the Board). This would also apply to paper street construction, i.e., streets that were shown on an approved subdivision plan but never built. Under the Board's Rules and Regulations Governing Subdivision of Land, the Board may hold a public hearing on a preliminary subdivision plan application, and the Board must by statute hold a public hearing on a definitive subdivision plan application. Plans either must comply with these requirements or the applicant must request that waivers be granted. The Board has discretion in acting on waivers to consider those that are in the best interest of the design of the project and of the town. Subdivisions must also comply with town zoning requirements. When taking action on a subdivision plan, the Board will focus on issues relating to the subdivision roadway construction such as drainage, grading, erosion control, sidewalks, and curbing, and utility construction, and the Board will also consider traffic safety and development of an overall interconnected roadway network.

Special Permits – Open Public Hearing within 65 Days of Filing the Application; Final Action Due: 90 Days After Closing Public Hearing:

Under the Zoning By-Laws, the Planning Board presently grants three types of special permits:

- **Special Permits for Uses within the Aquifer Protection District (Form W):** These special permits, required under Section II.D, are focused upon environmentally sound methods to recharge the groundwater that recharges the Town's water supply wells.
- **Special Permits for Cluster Residential Developments (Form C):** These special permits are allowed under Section VI.I. Their purposes are to protect the public interest in clean air and water, conserve and protect natural resources, encourage the preservation of open space, and encourage design flexibility, by authorizing density and use restrictions which vary from those otherwise allowed for residential development.
- **Special Permits for Planned Business Developments (Form P):** These special permits are required under Section VI.N for commercial developments over 5 acres in area and are optional for such developments under 5 acres. These permits are conditioned to provide acceptable traffic mitigation, to coordinate adjacent commercial land uses, and to provide quality landscaping and site design.

- **Transit Oriented Development (T.O.D.):** As defined in Section II. Districts, these special permits are required to allow for redevelopment within the overlay district into a mixed-use pedestrian/transit center with safeguards and conditions to prevent detrimental effects and/or impact upon neighboring properties or the town as a whole. The intent of the TOD overlay district is to promote a lively, prosperous transit center that serves as an attractive place to live, work, shop and recreate with less reliance on the automobile.
- **Integrated Retail Development:** These special permits are allowed under Section VI.L. for a parcel of land within a C-60 District, containing no less than 40 contiguous acres and developed for one or more buildings containing, in the aggregate, no less than 250,000 square feet of gross floor area principally devoted to retail uses. The intent of these special permits is to allow high-density commercial uses.
- **Adult Retirement Community:** These special permits are allowed under Section VI.P. to provide an alternative housing opportunity to those members of the community 55 and over which provides an attractive and suitable residential environment amendable to these residents, while creating and preserving open and natural space.

Earth Removal Permits (Form F) - Final Action Due: No Deadline

The Board acts on applications to remove top soil, sub-soil, stone, sand, or gravel from raw land in accordance with Section XX of the North Attleborough Town By-Laws. Permits are generally conditioned to protect surrounding properties, to define safe traffic routes to be used by vehicles involved in the earth removal operation, and to provide for an acceptable restoration of the site after removal of the earth material.

Request for Zone Line Determination - Final Action Due: No Deadline

The boundaries of each zoning district within the Town are established as shown, defined, and bounded on the Zoning Map of the Town of North Attleborough. Under Section II.B.5. of the North Attleborough Zoning By-Laws, the Planning Board holds public hearings to determine the locations of boundary lines that cannot be determined under Sections II.B.1, II.B.2., II.B.3., or II.B.4.

Abandonment of Unaccepted Ways (Form U) - Final Action Due: 135 Days from Date of Filing

Under Chapter 82, Section 32A of the Massachusetts General Laws, the Planning Board holds public hearings on proposals to abandon unaccepted ways that have become abandoned and unused for ordinary travel, and are no longer required to be maintained in a condition reasonably safe and convenient for public travel.

Scenic Ways - Final Action Due: No Deadline

Under Chapter 40, §15C of the General Laws, the Planning Board holds public hearings on proposals to remove and/or trim public shade trees or alter stone walls as a result of construction activities occurring along or within designated scenic ways. In the case of a proposal to remove a public shade tree associated with construction activities, a joint consolidated public hearing is held with the Tree Warden. The Planning Board generally requires that removed trees are replaced and that altered stone walls are suitably restored.

What To Expect At a Public Hearing

The notice abutters receive in the mail will state the date, time, and location that the hearing is to be held. It will also be published as a legal notice in the Free Press or the Sun Chronicle newspaper.

At the first hearing session, the applicant will present plans and explain what is being proposed. The Board and its' agents will ask questions, generally where clarification is needed. There will be an opportunity for those in the audience to ask questions or express their concerns. Comments may also be submitted in writing.

Since the Board often hears several projects in an evening, hearings may only last for a specified period of time. Depending on the amount of remaining issues to be addressed, the hearing may either be closed or continued to a later date.

Occasionally, for simple projects, hearings can be completed in one night and closed; meaning that no further testimony would be taken. More often, hearings will be continued with direction given by the Board to the applicant on revisions to the plans or additional information that is needed. Public hearings may be continued for several weeks or months depending on how long it takes the applicant to provide the required information and on the Board's schedule and workload. Abutter notification is only sent for the initial public hearing. It is not required for continuations of public hearings.

If necessary, the public hearing process may be delayed due to inclement weather, the absence of a Board member, or at the applicant's request. To confirm that a hearing is being held as scheduled, you may call the Planning Board office.

10 Suggestions for Presenting Testimony at Public Hearings:

1. You should stand and state your name and address for the record each time you speak;
2. Feel free to use the proposed plan to point our concerns you may have and try to stand so that the Board can see the area to which you are referring;
3. Try to state all of your questions or concerns at once and then allow the next person to speak;
4. Be polite and respectful of differing opinions;

5. While you may have questions for the applicant, you should address them directly to the Board. The Board may direct the applicant to keep a record of questions asked and answer them all at once;
6. Avoid personal attacks – stick to issues relating to the project and within the scope of the Board's review;
7. Do not ask to speak again until all have had an opportunity to be heard;
8. It is fine to state that you agree with traffic concerns previously expressed, rather than restating the same concerns;
9. Comments made at a public hearing need not be repeated at subsequent ones unless they have not been addressed;
10. Remember that you will not be notified by mail of continuations of the public hearings. If you are interested in attending all public hearing sessions, you should attend the initial public hearing or contact the Planning Board office to obtain the continuation date(s).

How To Make Concerns Known When You Cannot Attend the Public Hearing:

Comments may be submitted in writing prior to the close of the public hearing. Copies will be distributed to the Board members. As with all testimony, it is most helpful to raise concerns early in the process. Minutes of the meetings are transcribed by the Planning Board clerk, and are on file in the Planning Board office upon approval and acceptance by the Board.

Issues That The Planning Board May Consider

The scope of issues that the Board may consider in reviewing projects is defined by state law and town bylaws and regulations. In presenting testimony (oral or written) it is most helpful to focus on the issues that are within the Planning Board's jurisdiction.

What Happens After the Public Hearing Is Closed

After the hearing is closed, no new information may be submitted. The Board deliberates and generally either approves a plan with conditions, or denies it if it is not in compliance with state statute or local bylaws and regulations. Interested individuals are welcome to attend Board meetings and listen, but may not make further comments once the public hearing has been closed. The decision is voted on and filed with the Town Clerk by the decision deadline.

In the event that a Board member is absent from one session of a public hearing, the following rule, known as “Mullin’s Rule” shall apply:

MGL Chapter 39 Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member’s absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

Notification of the Planning Board’s Decision

Notices of subdivision decisions are not sent to abutters. Only notices of special permit decisions are required by law to be sent to all abutters. You may request a copy of any decision from the Planning Board office.

How To Appeal the Planning Board’s Decision

Appeals may be made to Superior Court (and in some cases Land Court). There is a 20-day appeal period (from the date the decision is filed with the Town Clerk). You will not receive notice of any appeals filed by other parties (such as the applicant).

5. The following types of applications are reviewed and acted on by the Board as business items during meetings, without a public hearing:

Site Plans (Form O)

Final Action Due: 35 Days from Date of Filing

For non-residential uses allowed by right, multi-family residential uses, and uses otherwise permitted by the Zoning Board of Appeal, the Planning Board must approve a site plan pursuant to Section VI.H of the Zoning By-Laws before the issuance of a building permit by the Building Inspector. Single-family and two-family structures are exempt from Site Plan Approval requirements.

Approval Not Required (a/k/a Form A Plan)

Final Action Due: 21 Days from Date of Filing

Plans showing lot line changes that do not constitute a subdivision, i.e., do not require the construction of a roadway to provide access to new building lots, are acted on pursuant to the Board’s authority under the Massachusetts Subdivision Control Law (MGL Ch. 41, §81) and local Rules and Regulations Governing Subdivision of Land (adopted by the Board).