

## **ABUTTERS' GUIDE TO THE PLANNING BOARD'S DEVELOPMENT REVIEW PROCESS IN NORTH ATTLEBOROUGH, MASSACHUSETTS**

### **An Abutters Guide**

The Planning Office has prepared this guide to explain what you, as an abutter to a proposed development project, can expect during the review process of a project requiring approval from the Planning Board. It is intended to help you understand how to participate in public hearings, get information, and best communicate any concerns you may have. To reach the Planning Board, please contact the Planning Office at 508-699-0116. We are located on the second floor of the Town Hall, 43 South Washington Street, North Attleborough, MA 02760.

### **Why Am I Receiving a Certified Mail Notice?**

You are receiving a public hearing notice because you are an abutter (as defined by law) to proposed development that will be reviewed by the Planning Board. The notice is required by State law, or zoning change notification by local law, to let you know that a public hearing is being held on the project.

### **What is the Planning Board?**

The Planning Board has five members appointed by the Town Manager and confirmed by the Town Council. (Note: Since the city form of government was only adopted recently, members previously elected will remain on the Board until their term expires).

As each member's term expires, the Town Manager will appoint a new member with Town Council confirmation. The Board has the responsibility to review proposed development projects and make decisions on them in accordance with state statute and local bylaws. The Board holds public hearings at their regularly scheduled meetings, usually on the first and third Thursday evenings of the month. Board members have a variety of backgrounds and **volunteer** their time to serve the Town. They are assisted by professional staff that works in the Planning Department office during the day.

### **How Can I Obtain Information About the Proposed Development Project?**

An application, plans, and supporting materials are on file in the Planning Board office and at the Town Clerk's office located in Town Hall. You are welcome to review this information and may pay for copies of any information you would like to keep. It is best to call and make an appointment to ensure that staff will be available.

### **Planning Department Hours**

Monday, Tuesday, Wednesday	8:00 A.M. – 4:00 P.M.
Thursday	8:00 A.M. – 6:00 P.M.
Friday	8:00 A.M. – Noon

### **What's the Difference Between a Public Meeting and a Public Hearing?**

A public meeting welcomes the public to come and observe, but no testimony is expected from the audience. In fact, you should quietly watch the proceeding unless invited to speak by the Chair. A public hearing is held to receive input from the attendees, however, you should remain silent until invited to speak by the Chair. This is detailed further on in this document.

### **What Should I Expect At the Public Hearing?**

The public hearing notice you received in the mail will tell you when and where the Planning Board's public hearing is scheduled. It is also published in the legal notices in a newspaper of general distribution, usually the Sun Chronicle.

At the first hearing the applicant will present their plans and explain what is proposed for the property. The Board will ask questions, and there will be an opportunity for those in the audience to ask questions or offer opinions. Comments may also be submitted in writing.

Generally, the process of the public hearing follows this line:

- 1) Reading of the public notice
- 2) Applicant presentation
- 3) Board comments and questions to the applicant
- 4) Staff comment
- 5) Abutters' comments and questions
- 6) Audience comments and questions
- 7) Board continues or closes public hearing
  - If continued: the date, time, and place will be announced
  - If closed: no new information may be received
- 8) After closing the public hearing the Board may deliberate and vote.

Occasionally, for simple projects, hearings can be completed in one night and are closed, meaning that no further public testimony is taken. More often, public hearings are continued with a request by the Board to the applicant to revise their plans or provide additional information that is needed to complete the review of the project. Continued hearings may be several weeks in the future depending on how long it will take the applicant to generate the requested information and the Board's workload.

### **How Can I Make My Concerns Known if I Cannot Attend?**

Comments can be submitted in writing prior to the close of the public hearing. Copies will be provided to the Board members. As with all testimony, it is most helpful to raise concerns early in the process. All written comments or information submitted to the Board should include the name and address of the person submitting these comments. An email address and phone number are helpful.

### **What Happens after the Public Hearing?**

After the public hearing is closed, no new information can be submitted. The Board deliberates and directs the staff to draft a decision for the Board to consider

at the next Board meeting. The Board generally either approves a plan with conditions or denies it if it does not meet the Town's Zoning Bylaw, Master Plan or Complete Streets requirements, or other regulations. After the public hearing has been closed, interested individuals are welcome to attend and listen, but may not make further comments. The decision is voted on and filed with the Town Clerk.

### **What Issues Does the Board Consider?**

The scope of issues that the Board can consider in reviewing projects is defined by State law, Town bylaws, and regulations. In presenting testimony, (oral or written) it is most helpful to focus on the issues within the Planning Board's regulatory jurisdiction. Planning Office staff is available to explain the applicable State and local laws to help residents understand the Planning Board's regulatory jurisdiction.

### **Will I Be Notified of the Decision?**

Notices of subdivision decisions are not sent to abutters. Notices of Special Permit decisions are required by law to be sent to all abutters within 300' of the development property.

### **How Can I Appeal?**

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

### **Suggestions for Presenting Testimony at Public Hearings**

1. You should stand and state your name & address for the record each time you speak;
2. Feel free to use the proposed plan to point out 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. The Board hears your comments, but they are not required to comment on or resolve any issues at this time—only to receive testimony;
5. Be polite and respectful of differing opinions;
6. While you may have questions for the applicant you should address them to the Chair of the Board. The Chair may direct the applicant to keep a record of questions asked and answer them all at once;
7. Avoid personal attacks. Stick to issues relating to the project and within the scope of the Board's purview;
8. Don't ask to speak again until all have had the opportunity to be heard;
9. It is fine to just say "I agree with Mr. Smith about traffic" rather than restating the same concerns;

10. Comments made at a public hearing do not need to be repeated at subsequent hearings unless they have not been addressed;

11. Remember that you will not be notified by mail of any continued public hearings. If you are interested you should call the Planning Office for the date of the continued hearings or click on the calendar for the Planning Board agenda on the town website: [www.nattleboro.com](http://www.nattleboro.com);

12. The public hearing is recorded and may be viewed on the internet at North TV's website: <https://northtvvideovault.viebit.com/> .

### **Subdivisions**

The Board is charged with acting on subdivision plans based on the regulatory authority in the Massachusetts Subdivision Control Law (MGL Ch. 41 §81) and local Subdivision Rules and Regulations, adopted by the Board. Plans must comply with these requirements or the applicant must request a waiver to alleviate them from complying with the applicable regulation. The Board has the 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 Bylaw. The Board will focus on issues relating to the subdivision roadway construction such as drainage, grading, erosion control, sidewalks and curbing. In reviewing plans, the Board will ensure that minimum road construction standards are met, ensuring adequate access to new homes and businesses on paved roads with adequate drainage. The Board cannot consider impacts of the proposed development on an individual house lot.

### **Special Permits**

The Zoning Bylaw, Schedule B in Section V., Use Regulations, specifies the types of development that require a Special Permit issued by the Zoning Board of Appeals or the Planning Board. The Planning Board is the Special Permit granting authority for several uses including Aquifer Protection, Transit Oriented Development, retail adult use marijuana, and others.

### **Site Plan Approval**

The Zoning Bylaw, Section 10.5 Site Plan Approval, sets forth the zoning regulations for projects that require Planning Board site plan approval. Minor site projects require a site plan review, but not a public hearing. Development projects that exceed certain triggering thresholds, such as increasing the gross floor area of the building by 10,000 square feet or by constructing 50 or more new parking spaces, must have a public hearing before the Planning Board. Any questions regarding the need for Planning Board Site Plan Approval should be directed to the Building Commissioner or the Planning Office.

(Approved for posting by the Planning Board 9/5/2019)