

THE PLANNING BOARD REVIEW PROCESS

The Planning Board has prepared this guide to explain what you, as an abutter to a proposed development project, can expect during the review of a project. It is not intended to be a legal guide; it is intended to help you understand how to participate in hearings, get information, and best communicate any concerns you may have to the Board. To reach the Planning Board, please contact our office at (508) 699-0116. We are located on the upper level of Town Hall.

What is the Planning Board?

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. During these meetings, the Board considers both plan applications that are reviewed as business items and plan applications that require a 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 professional staff that works in the Planning Board office during the day and also attends the Board's meetings.

How Can I Find Out More About What Is Proposed?

Applications, plans, and supporting materials are on file in the Planning Board office. You are welcome to review this information and may request copies of any information on file. The cost for black and white photocopies is 20 cents per page for 8 ½" x 11", and 40 cents per page for 11" x 17", and 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, and Friday, from 8:00 a.m. - 4:00 p.m., and Thursday 8:00 a.m. - 7:00 p.m. During the months of July and August our office hours are Monday through Friday 8:00 a.m. - 4:00 p.m.

Why and when will I Receive a Hearing Notice by Certified Mail?

You will 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 let you know 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 will be reviewed at a Planning Board meeting as a business item only.

What Should I Expect At a Public Hearing?

The notice you received in the mail tells you when the public hearing is scheduled. It is also published in the legal notice section of either the Free Press or the Sun Chronicle.

At the first hearing session, the applicant will present plans and explain what is proposed for the Board and the audience. 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 offer opinions. Comments may also be submitted in writing.

Since the Board often hears several projects in an evening, hearings last a specified period of time. At the end of this time, 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. Continued hearings may be several weeks or months in the future depending on how long it takes the applicant to gather the required information and on the Board's workload. Abutter notification is not required for continuations of public hearings.

Occasionally the hearing process is delayed due to inclement weather, the absence of a Board member, or at the applicant's request. To verify that a hearing is being held on a scheduled date, you may call the Planning Board office.

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

Comments may 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.

What Happens After the Hearing?

After the hearing is closed, no new information can be submitted. The Board deliberates and generally either approves a plan with conditions or denies it if it does not meet town standards. 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 by the decision deadline.

What Issues Does the Board Consider?

The scope of issues that the Board can 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 these issues.

Will I Be Notified of the 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 Can I Appeal?

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).

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 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. Be polite and respectful of differing opinions;
5. While you may have questions for the applicant, you should address them 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. Don't ask to speak again until all have had an opportunity to be heard;
8. It is fine to just say "I agree with Mr. Smith about traffic" rather than restating the same concerns;
9. Comments made at a 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 continued hearings – if you are interested you should attend the initial public hearing or call the Planning Board Office to find out about continued hearings.

The Planning Board holds public hearings on the following types of applications:

Subdivisions (Preliminary and Definitive)

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.

Earth Removal Permits

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.

Special Permits

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

- Special Permits for Uses within the Aquifer Protection District: 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: 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: 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.

Scenic Ways

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.

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

Site Plans

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) Plans

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).