

## **The Planning Board Development Review Process An Abutter's Guide January 1999**

The Planning Board has prepared this guide to explain what you, as an abutter to a proposed development project, can expect during the process of review of this project. It is not intended to be a legal guide, but to help you understand how to participate in hearings, get information and best communicate any concerns you may have. To reach the Planning Board, please contact our office at 781-834-5554. We are located on the 2nd floor of the Town Hall.

List the planning board members here.

List any staff here.

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

You are receiving this hearing notice because you are abutter (as defined by law) to a proposed development that will be reviewed by the Marshfield Planning Board. The notice is required by statute to let you know that a public hearing is being held on the project.

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

The Planning Board has five elected members and one appointed associate member. The Board has the responsibility to review proposed development projects and makes decisions on them in accordance with statute and local bylaws. The board holds its hearings in the evenings. Board members have a variety of backgrounds and volunteers to serve on the board. They are assisted by a professional staff that works in the Planning Department office during the day.

### **How can I Find Out More About What is Proposed?**

An application plans and supporting materials are in file at the Planning Board office. You are welcome to review this information and may pay for copies of any information you would like to keep. Copies cost 20 cents/page. Our office is generally open on weekdays from 8:30-4:30. It is best to call and make an appointment to ensure that staff will be there.

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

The notice you received in the tells you when the public hearing is scheduled. It is also published in the legal notices in the Marshfield Mariner. At the first hearing, the applicant will present plans and explain what is proposed for the Board and the audience. The Board 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 be either closed or continued.

Occasionally, for simple projects, hearings can be completed in one night and are closed, meaning that no further testimony is taken. More often, hearings will be continued with direction given by the Board to the application on revisions to the plans or 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 the Board's workload.

Occasionally the hearings process is delayed due to 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 can call the Planning Board office.

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

Comments can be submitted in writing prior to the close of 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 and the record are closed, no new information can be submitted. The Board deliberates and writes a decision at a Board meeting. The Board 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 board makes its decisions on subdivisions waiver requests at this time. 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. These are described further on the reverse.

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

Copies of subdivision decisions and street improvement decisions are not sent to abutters. Copies 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 Courts). For subdivision decisions, there is a 20 day appeal period ( from the date the decision is filed with the Town Clerk). There is a 30 day appeal period for Special Permit decisions. You will not receive notice of any appeals filed other parties (such as the applicant).

## **10 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 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 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 or call the Planning Office.

### **Subdivisions**

The Board acts on subdivisions based on the authority in the Mass. Subdivision Rules & Regulations (Adopted by the Board). 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. The Board will focus on issues relating to the subdivision roadway construction such as drainage, grading, erosion control, sidewalks, and curbing. The Board will also consider traffic safety and development of an overall interconnected roadway network.

### **Street Improvements**

The Board acts on street improvement plans based on a "Street Determination Policy" developed by the Board. This policy outlines an optional process that applicants may follow to gain Board approval of paving/widening of unaccepted roadways. In reviewing plans, the Board will ensure that minimum road construction standards are in order to provide adequate access (generally pavement width and method of construction) and that road drainage and slopes are adequate. The Boards cannot consider impacts of proposed development on an individual house lot.

### **Special Permits**

The Board issues Special Permits for projects within the Town's Water Resource Protection District. This includes subdivisions and commercial projects. Review focuses on septic systems, drainage, and other factors that could result in groundwater pollution. Based on sec.13.03 Regulations. The board also issues special permits for elderly housing based on standards in sec. 11.08 of the Marshfield Zoning Bylaws.