



BOXBOROUGH PLANNING DEPARTMENT
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 263-1116 x112 • Fax: (978) 264-3127
www.town.boxborough.ma.us

**The Planning Board Development Review Process
An Abutter's Guide
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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 the 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. If you have any questions or would like additional information, please contact the Town Planner.

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 volunteer to serve on the board. They are assisted by a professional Town Planner that works in the Planning Department office during the day.

Why am I receiving a hearing notice?

You are receiving a public hearing notice because you are an abutter to a proposed development that will be reviewed by the Boxborough Planning Board. An abutter is defined as a property directly adjacent to the subject property, a property directly across the road to the subject property and an abutter to a direct abutter within 300 feet of the subject property. The notice is required by statute to let you know that a public hearing is being held on the project.

How can I find out more about what is proposed?

An application, plans and supporting materials are on 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. If you are requesting multiple copies, you may have to fill out a Request for Public Information Form, giving the staff 10 days to produce the copies. The Planning Department office is generally open Monday through Thursday from 8am to 4pm. 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 mail tells you when the public hearing is scheduled. It is also published in the legal notice section of The Acton-Boxborough Beacon newspaper. At the first hearing, the applicant will present the plans to the Board and the audience and an explanation of the project proposal. The Board will ask questions and get clarification on any issues or concerns they may have or that have been raised by other boards, committees and Town staff. Following this, the Chair will open the public hearing up for questions and comments from the audience. You are required to provide your name and address for the record. Comments may also be submitted in writing. Since the Board often hears several projects in an evening, hearings last a specified period of time after which 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 applicant 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 hearing 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 or visit the Town's web page calendar.

How can I make my concerns known if I cannot attend the public hearing?

Comments can be in writing at anytime following the filing of an application and prior to the close of public hearing. If you wish to have your comments available to the Board prior to the public hearing, they need to be submitted at least seven days prior to the public hearing. As with all testimony, it is most helpful to raise concerns early in the process.

What happens after the public hearing?

Once the public hearing is closed, no new information can be submitted by the applicant or abutters. The Board deliberates on the project based on the application, plans, comments, issues and recommendations received by other boards, committee, Town staff and consultants, issues and concerns raised by abutters, compliance with the Zoning Bylaw or Subdivision Rules & Regulations. The Board will then direct the Town Planner to draft a written decision for review by the Board at a posted public meeting. The Board generally either approves a project 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 if the public hearing has been closed. Often the Board will keep the public hearing open during the review of a draft decision for approval to allow productive discussion between the Board, the applicant and abutters to make sure all issues and concerns have been addressed through modifications in the project or conditions of approval. 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, the Town's Zoning Bylaw and the Board's Subdivision Rules & Regulations. In presenting testimony (oral or written), it is most helpful to focus on these issues.

Will I be notified of the decision?

Once the Board has voted on a decision and filed a written copy with the Town Clerk, abutters are notified of the Board's action. Copies of decisions are not sent to abutters. You may request a copy of any decision from the Planning Board office and will be charged for the copy based on the number of pages.

How can I appeal a decision?

Appeals may be made to Superior Court and in some cases Land Courts. For subdivision, site plan and special permit decisions, 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 in the case of a denial decision.

10 Suggestions for Presenting Testimony at Public Hearings

1. You should stand and are required to 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. Personal attacks will not be tolerated. You should 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 issues" 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. Future hearing dates are set at each public hearing. You can call the Planning Department Office or check the Town's web calendar.

Subdivisions

The Board acts on subdivisions based on the authority of Massachusetts General Law and in compliance with the Board's Subdivision Rules & Regulations. 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.

Special Permits

Currently, the Board is the special permit granting authority for Open Space Commercial Developments (OSCD); Private/Common Driveways; Alternate Access; Single-family Dwellings in the Town Center District; and Special Permits for Two-family Dwelling Reserved Exclusively for Elderly Occupancy. All special permits require a super-majority vote (four out of five) in order to be granted. Review focuses on criteria established in the Zoning Bylaw.

Site Plans

The Board also acts on proposed commercial and other related proposals through its Site Plan Approval process in accordance with the criteria established in the Site Plan Approval Rules and Regulations and the Zoning Bylaw.