

PLANNING BOARD PROJECT REVIEW PROCESS GUIDE

The Planning Board has prepared this guide to explain what you, as an abutter to a proposed development project, or, perhaps, just a person interested in community planning in general or the public planning procedures for plan submission and the development process, can expect during the review of a proposed project and the subsequent decision on the project. This document is not intended to be a legal guide; it is intended to help you understand how to participate in the Board's public meetings/public hearings, get information, and best communicate any concerns you may have to the Board. To contact the Planning Board, you may call us at (508) 949-8014, send us an email at planner1@dudleyma.gov, or stop into our office, which is located on the upper level of the Dudley Municipal Complex (Town Hall/Police), at 71 West Main Street. Our office is generally open on Tuesday from 9:00 am – 3:00 pm, Wednesday from 9:30 am – 4:30 pm, and Thursday from 10:00 am – 7:00 pm. The office is generally closed on Monday and Friday. Depending upon circumstances, occasionally other office hours can be arranged by appointment, and/or the office may be open at other times.

What is the Planning Board?

The Planning Board has five elected members. The Board has the responsibility to review proposed development projects and make decisions on them in accordance with state statutes and local bylaws and regulations. The Board normally holds its meetings in the evening, at the Municipal Complex, generally on the second and fourth Wednesday of the month, with other occasional special meeting days, times, and locations as posted. 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 pay for copies of any information you would like to keep. Black and white letter size, legal size and ledger size photocopies can be made at the Town Hall, and arrangements can be made to reproduce copies of full-sized plans.

Why and When will I Receive a Hearing Notice by 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.

Am I Required to Attend a Public Hearing if I Receive a Hearing Notice?

You are not required or mandated to attend a public hearing if you receive a hearing notice. The notice is only to inform you that a hearing is being held, in the event that that you may wish to attend and/or make verbal and/or written comments on the application that is the subject of the hearing

What Should I Expect At a Public Hearing?

The notice you received in the mail tells you where, when and why the public hearing is scheduled. The notice is also published in the legal notice section of either the Webster Times or the Worcester Telegram & Gazette. At the first hearing session, the applicant will present plans and explain what is proposed, to the Board and the audience.

Following the presentation, the Board will read comments from its agents and from various town departments, commissions, and boards, and the Board and its agents typically will ask questions, generally where clarification is needed. Then there will be an opportunity for those in the audience to ask questions or offer opinions. Those in favor of the proposal will be asked to speak first, followed by those opposed. 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. For simple projects, hearings can be completed in one night and closed; meaning that no further testimony would be taken. For more complex projects, hearings will often be continued to other nights, 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, and sometimes on the complexity of the proposed project. Occasionally the hearing process is delayed due to inclement weather, the absence of a Board member, or at the applicant's request. The applicant has the right to request to continue a hearing for any reason. To verify that a hearing is being held on a scheduled date, you may call the Planning Board office; however, please note that a hearing cannot be officially continued until the Planning Board meeting time has been established by the Board.

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. These letters should be signed and include the name and address of the writer. 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 in Making Its Decision?

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. Notices of special permit decisions are required by law to be sent to the applicant, all abutters as defined by law, and the planning boards of surrounding communities. You may request a copy of any decision from the Planning Board office.

How Can I Appeal a 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 on special permits and definitive subdivision plans, within which appeals, if any, must be filed with the Court, and a copy of any such appeal must be filed with the Town Clerk as well within the 20-day appeal period. 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:

Definitive Subdivision Plans

The Planning Board acts on definitive subdivision plans based on their authority as put forth in the Massachusetts Subdivision Control Law (MGL Ch. 41, §81K - 81GG) 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. The Board must by statute hold a public hearing on a definitive subdivision plan application. Plans either must comply with the requirements of the Rules and Regulations 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. The definitive plan is the plan that will ultimately be recorded at the Registry of Deeds and that will provide for the construction of roadways, according to the approved plan, for access to new building lots.

Special Permits

The Planning Board is the Special Permit Granting Authority under the sections of the Zoning Bylaws listed below:

- Open Space Residential Development (Section 3.05)
- Mill Conversion Overlay District (Section 3.10)
- Personal Wireless Service Facilities (Section 11)

In considering the application submitted to the Board for a special permit, due consideration shall be given to the following required findings:

- That the use is in harmony with the general purpose of the Zoning Bylaws.
- That the use complies with the general and specific provisions enumerated in the Zoning Bylaws.

Site Plans

Before the issuance of a building permit by the Building Inspector, the Planning Board must approve a site plan pursuant to the sections of the Zoning Bylaws listed below:

- Uses requiring Site Plan Review by the Planning Board (Section 2.03.02)
- Mill Conversion Overlay District (Section 3.10)
- Large Scale Solar Photovoltaic (Section 3.12)
- Site Plan Review (Section 5.04)
- Personal Wireless Service Facilities (Section 11.06)

In general, as well as uses specifically listed in the Zoning Bylaws as requiring a Site Plan Review, all multi-family and non-residential developments over 3,000 square feet are subject to Site Plan Review; and further, all such developments in excess of 5,000 square feet require a hearing on the Site Plan. Single-family and two-family structures are exempt from Site Plan Review requirements. The purpose of site plans is to reasonably regulate land uses to be in the best interests of the Town.

Scenic Ways

Under Chapter 40, §15C of the General Laws and under Section 3.11.00 of the Zoning Bylaws, Scenic Roads, the Planning Board holds public hearings on proposals to remove and/or trim public shade trees or to alter stone walls for construction purposes along or within designated scenic roads. 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. Please note that there is no appeal process for this type of application.

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

Preliminary Subdivision Plans

Pursuant to the Planning Board's authority under the Massachusetts Subdivision Control Law (MGL Ch. 41, §81S) and local Rules and Regulations Governing Subdivision of Land (adopted by the Board), preliminary subdivision plans are required for a commercial or industrial subdivision and are optional, but strongly recommended, for a residential subdivision. The purpose of a preliminary subdivision plan is to put forth a concept for the design of a definitive subdivision plan, allowing the Planning Board to give input to the design that will be submitted on the definitive plan before final engineering is done. By statute, the provisions of the Subdivision Control Law relating to a subdivision are not applicable to a preliminary subdivision plan, and the Registry of Deeds cannot record a preliminary subdivision plan.

Approval Not Required (a/k/a Form A or 81P) 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, §81P) and local Rules and Regulations Governing Subdivision of Land (adopted by the Board).