

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

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 508-644-2270 extension 1402. We are located on the 3rd floor of the Town Hall.

Robert Raymond, Chairman  
Keven Desmarais, Vice-Chairman  
Mark Rogers  
Nicolas Velozo  
Robert Jose  
Lauren Moreau, Planning Technician

### **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 Freetown 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 volunteer 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?**

Copies of the 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 25 cents/page. Copies of plans are not available for purchase but may be inspected at the Town Hall. It is best to call the Planning Office at 508-644-2270 extension 1402 and make an appointment to ensure that staff will be available to assist you.

### **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 New Bedford Standard Times. 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 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.

### **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 any 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?**

State law and town bylaws and regulations define the scope of issues that the Board can consider in reviewing projects. In presenting testimony (oral or written) it is most helpful to focus on these issues. A copy of these regulations may be purchased at the office of the Town Clerk, Freetown Town Hall, 3 North Main St., Assonet, MA and most are available on the town website [www.freetownma.gov](http://www.freetownma.gov)

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

Copies of subdivision decisions and street improvement decisions are not sent to 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). For subdivision and special permit decisions, there is a 20-day appeal period (from the date the decision is filed with the Town Clerk). (per Massachusetts General Laws Chapter 40A Section 17). 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 & 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 that 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 Massachusetts Subdivision Control Law and the Rules & Regulations of the Planning Board Governing the Subdivision of Land (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.

## **Site Plan Review**

All Site Plans shall be prepared in compliance with the Freetown Zoning Bylaws and the Town of Freetown Planning Board Rules and Regulations governing Site Plan Approval. Along with all applicable site plan standards of the Architectural Access Board, American Disabilities Act, AASHTO and any other local, state, and federal standards not specifically enumerated herein. In the event there is a conflict in standards, the jurisdictional standard shall apply, unless otherwise waived by the Planning Board.

## **Special Permit Granting Authority**

Special Permits shall only be issued when specific requirements of the Town of Freetown Protective By-Laws, the Rules and Regulations of the Planning Board as Special Permits Granting Authority or of Chapter 40A General Laws are met and may be subject to conditions and limitations necessary to safeguard public health, safety and welfare. As a condition of issuance of a special permit, the special permit granting authority shall find that the proposed use will not be detrimental to the established or future character of the neighborhood and the town, and that adequate provisions have been made for safe and convenient access, egress, parking, drainage, screening, buffer strip, water supply, light, air and the required customary and emergency services.