

**SUBDIVISION REGULATIONS AND PROCEDURAL RULES
OF THE PLANNING BOARD
TOWN OF NEEDHAM**

Section 1. GENERAL PROVISIONS

Sub-Section 1.1 ADOPTION AUTHORITY

1.1 These Subdivision Regulations and Procedural Rules are adopted by the Planning Board under the authority contained in the General Laws of the Commonwealth of Massachusetts, Chapter 41, Section 81Q and all other applicable Sections, for the purpose of clarifying the administration of the Subdivision Control Law and the Zoning By-Laws of the Town of Needham.

Sub-Section 1.2 DEFINITIONS

1.2 In construing these Rules and Regulations, the following words shall have the following meanings, unless a contrary intention clearly appears:

Applicant - An owner or his agent, representative or assigns.

Developer - Owner of the land being subdivided, acting directly or through an authorized agent, or attorney.

Engineer - Professional engineer (civil) or land surveyor registered to practice in the Commonwealth of Massachusetts.

Exclusive Use Area - An exclusive use area means a building lot in a "cluster development" as defined by General Laws, Chapter 40A for which fee simple title may be conveyed, or an area located adjacent to a dwelling unit and reserved for its exclusive use in a condominium or similar scheme.

Planning Director - The professional planner employed by the Planning Board who shall: review all applications submitted under these Rules and Regulations for completeness; schedule, after consultation with the Planning Board, appointments; distribute copies of plans to the appropriate local officials; and perform the necessary tasks, as directed by the Planning Board, to administer the provisions of these Rules and Regulations and those of M.G.L. Chapter 41, Sections 81K through 81-GG.

Planning Board - Planning Board of the Town of Needham.

Rules and Regulations - These subdivision regulations and procedural rules adopted and amended by the Planning Board of the Town of Needham pursuant to Section 81Q of Chapter 41 of the General Laws of the Commonwealth of Massachusetts, as amended.

Subdivision Control Law - Sections 81 K through 81GG, inclusive, of Chapter 41 of the General Laws of Massachusetts, as amended.

1.2.1 Other definitions shall be as used in the Subdivision Control Law and in the Needham Zoning By-Laws and the references to officials and boards shall mean such officials, boards, and other municipal bodies of the Town of Needham, unless otherwise indicated in the text.

Sub-Section 1.3 SCHEDULING OF APPOINTMENTS

1.3 Except for executive sessions as provided for in Section 23B of Chapter 39 of the General Laws as amended, meetings of the Planning Board shall be open for the public to attend. Anyone desiring to meet with the Board shall do so by appointment. To secure an appointment, all applicants shall notify the Chairman, the Secretary of the Board, or the Planning Director at least seven (7) days prior to a regularly scheduled meeting. In such notice, the applicant shall give his name, address and a brief outline of the nature of the business which he wishes to discuss with the Board. No appointment with the Planning Board shall be required of applicants desiring to submit a plan in accordance with the provisions of Section 2 of these Rules and Regulations. Any person attending an advertised public hearing may address the Board at the pleasure of the Chairman without prior notice, and in so doing shall state his name, address and person represented, if any.

Sub-Section 1.4 CONDUCT OF MEETINGS

1.4 All meetings of the Planning Board shall be conducted formally under the direction of the Chairman of the Board. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. In the absence of both the Chairman and the Vice-Chairman, the Clerk, if the Chairman or Vice-Chairman is not serving as Clerk, shall act as Chairman. In the absence of the Chairman, Vice-Chairman and Clerk, the remaining members may elect a Chairman pro-tem. No meeting of the Planning Board shall be held unless a quorum is present. A majority of the members of the Board shall constitute a quorum, but less than a majority may vote to adjourn, subject to the meeting being rescheduled as hereinafter provided. In the event of there being less than a quorum present at any scheduled meeting, the Chairman shall reschedule a meeting as soon as practicable thereafter. Meetings of the Planning Board shall be conducted in accordance with the provisions of Section 23B of Chapter 39 of the General Laws, as amended.

Sub-Section 1.5 RECORDS AND EXPENSES

1.5 The records of the Planning Board shall be maintained in the manner set forth in Section 23B of Chapter 39 of the General Laws as amended and may contain such other matters as the Board at its discretion may deem appropriate.

1.5.1 The Planning Board may require any applicant to produce evidence of ownership, or authority of an agent, representative or assign.

1.5.2 The initiator or the spokesman for the group of persons initiating an action requiring a public hearing by the Board shall be responsible for the expenses of such hearing, including advertising, legal notices and secretarial services. The initiator or spokesman may also be required to furnish a list of abutters which must be notified and, where applicable, a legal description and/or a plan of the land involved. All payments shall be made prior to any hearing before the Planning Board.

1.5.3 Private petitions for amendments to the Zoning Map shall be accompanied by a filing fee of \$300.00. The petitioner(s) shall also be responsible for the cost of expenses borne by the Planning Board relative to the petition including, but not limited to: public hearing advertisements, postage, printing, and map reproduction.

Sub-Section 1.6 SUBDIVISION CONTROL

1.6 No person shall make a subdivision within the meaning of the Subdivision Control Law of any land in the Town of Needham, nor proceed with the sale of lots in a subdivision, nor the construction of ways or the installation of municipal services or utilities therein, except after a definitive plan of such subdivision has been submitted to the Planning Board and approved as hereinafter provided.

Sub-Section 1.7 APPLICABILITY AND AMENDMENTS

1.7 The invalidity of any Section, Sub-Section, or provision of these Rules and Regulations shall not invalidate any other Section, Sub-Section, or provision thereof.

1.7.1 In procedural matters not covered by these Procedural Rules, the Board shall be guided by "Roberts' Rules of Parliamentary Practice" and by the customary usage in the Town of Needham.

1.7.2 These Procedural Rules of the Needham Planning Board are adopted and may be amended from time to time by a majority vote of the Needham Planning Board. In the event of any present or future conflict between the provisions of these Rules and any legally binding action of the Town Meeting or any act of the Massachusetts General Court, the action of the Town Meeting or the act of the General Court shall prevail.
