

SECTION 4

PLANNING BOARD RULES FOR PLANNED RESIDENTIAL DEVELOPMENT SPECIAL PERMITS RESIDENTIAL COMPOUND SPECIAL PERMITS FLEXIBLE DEVELOPMENT SPECIAL PERMITS SITE PLAN REVIEW SPECIAL PERMITS

ARTICLE I GENERAL

These Rules are adopted by the Needham Planning Board as authorized by M.G.L., CHAPTER 40A, Section 9 for the purpose of establishing uniform rules and procedures for conducting the business of the Planning Board under its jurisdiction as a Special Permit Granting Authority for "Planned Residential Developments", "Residential Compounds", "Flexible Developments", and Site Plan Review by virtue of the applicable provisions of the Massachusetts General Laws and the Needham Zoning By-Law. These Rules shall also establish uniform procedures for conducting the business of the Planning Board in its review of and comment on "minor projects" under Site Plan Review, Sub-Section 7.4.3 of the Zoning By-Law.

ARTICLE II THE APPLICATION

Section 1. Applicant

An application for a Special Permit to allow a Planned Residential Development, Residential Compound, Flexible Development or Site Plan Review may be filed by a property owner, a prospective purchaser, or other applicant provided that documentation from the owner certifying the applicant's legal interest in the property and right to file accompanies the application.

Section 2. Pre-Application Review

To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to the preparation of a formal application, to meet with the Planning Board and Planning Director for informal discussions regarding a proposed site, plans and other issues relative to a proposed project. In the case of a Site Plan Review, discussion of project category (major or minor project) is best broached during such pre-application interview; determination of project category shall include consultation with the Building Inspector.

Section 3. Application Form

An application for a Planned Residential Development Special Permit, Residential Compound Special Permit, Flexible Development Special Permit or Site Plan Review Special Permit shall be made on an appropriate official application form entitled "Planning

Board - Application for Special Permit" which shall be furnished upon request. Any communication purporting to be an application shall be treated as a mere notice of intention to seek Planning Board action until such time as an official application form has been submitted. All information called for by the form shall be furnished by the applicant in the manner therein described. The forms to be used are hereby made a part of these Rules.

Section 4. Filing of Application

All applications for Planned Residential Development Special Permits, Residential Compound Special Permits, Flexible Development Special Permits and Site Plan Review Special Permits shall be filed with the Planning Board who shall transmit a copy forth with to the Town Clerk. Prior to filing with the Board, the application shall be first reviewed with the Planning Director to assure correctness, completeness, and clarity.

Section 5. Supporting Material

The application form shall be accompanied by ten (10) copies of the following material, as indicated in each case:

(a) Planned Residential Developments - material as specified in the Needham Zoning By-Law, Sub-Section 4.2.5.3 (b).

(b) Residential Compounds - material as specified in the Needham Zoning By-Law, Sub-Section 4.2.6 (e)

(c) Flexible Developments - material as specified in the Subdivision Regulations and Procedural Rules of the Planning Board, Sub-Section 3.2 "Submission of Definitive Plans"

(d) Site Plan Review - material as specified in the Needham Zoning By-Law, Sub-Section 7.4.4, third paragraph; site photographs; and vital statistics of project (total floor space, number of parking spaces, etc.).

Waiver for any item of required supporting material shall be requested in writing at the time filing of the application.

Section 6. Information to be Furnished to the Board

The applicant shall be required to support factually all points relied upon in the application concerning the proposed use of land, conditions, and character of the development which show that it will be in harmony with the purpose and intent of the provisions for a Planned Residential Development, Residential Compound, Flexible Development or Site Plan Review, respectively; with the general and specific requirements of the Zoning By-Law and all other provisions governing the land use and the zoning district in which the land is located.

Such information, together with any relevant data, shall be indicated on the application form or on the site plan, and presented verbally or in writing at the public hearing.

Section 7. Filing Fees

Filing Fees shall be as follows:

Planned Residential Developments - \$500.00 per plan, plus \$100.00 per unit; if submitted together with a Definitive Subdivision Plan, the second fee may be waived by the Board;

Residential Compounds - \$500.00 per plan, plus \$100.00 per unit;

Flexible Developments - no separate filing fee; see Subdivision Regulations and Procedural Rules of the Planning Board, Sub-Section 3.2 (as amended) for filing fee for Definitive Subdivision Plan;

Site Plan Review - \$600.00 for Major Projects; \$300.00 for amendments to an approved Major Project requiring public hearing, and \$200.00 for amendments to an approved Major Project not requiring public hearing; \$100.00 for Minor Projects; see Needham Zoning By-Law, Sub-Section 7.4.2 for definition of project category.

Section 8. Other Costs

The applicant shall be responsible for costs associated with the publication and mailing of the notices of public hearings required by the Planning Board as a special permit granting authority.

Section 9. Application for Amendments

Amendments to Special Permits previously granted by the Planning Board as a special permit granting authority shall be treated in the same manner as any new application under this Article, except however, the Board shall have the right to waive the filing fee in whole or in part.

ARTICLE III THE HEARING

Section 1. Hearing Date and Notice

Upon receipt of an application, the Planning Board shall set the date of the public hearing, which shall be held within 65 days of the application filing date. Notice of the Hearing shall be advertised as required by M.G.L., Chapter 40A, Section 11. In addition, copies of the notice shall be sent by certified mail at least seven days prior to the date of the hearing to all parties in interest.

Section 2. Hearing Representation

An applicant may appear in his own behalf or be represented by an agent or attorney. In the absence of an appearance, the Board may, in its discretion, decide the matter using the information it has received or dismiss the application with or without prejudice.

Section 3. Hearing Procedure

(a) Hearings will start at the time stated in the notice unless delayed because of prior hearings.

(b) At the Hearing, any party whether entitled to notice thereof or not may appear in person or by agent or by attorney.

(c) At the Hearing, the chairperson may administer oaths, summon witnesses and call for the production of papers. The Planning Board may retain any record which has been introduced as evidence for reference in the consideration of the case.

(d) No person shall address a Hearing of the Planning Board without leave of the chairperson, and all persons shall, at the request of the chairperson, be silent. If a person, after warning from the chairperson, persists in disorderly behavior the chairperson may order him to withdraw from the hearing, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the Hearing is adjourned.

(e) The chairperson may close the Hearing immediately if, in the chairperson's opinion, these Rules are being violated or the Hearing becomes disorderly.

(f) The chairperson will open each Hearing by reading, or causing to be read, the notice as advertised.

(g) The petitioner or his representative will then present his case, stating fully the reason(s) why the petition or application should be granted.

(h) When the petitioner or his representative has concluded the presentation, the chairperson will allow all those in favor of the matter under consideration to speak. Those who wish to speak will rise, address the chairperson, give their names and addresses, then proceed.

(i) When all those in favor have spoken, the chairperson will then allow those in opposition a similar opportunity to be heard.

(j) Rebuttals may only be allowed at the discretion of the chairperson.

(k) Similarly, no cross-examination will be allowed, although questions seeking information and deemed relevant by the Planning Board may be allowed at its discretion.

(l) Members of the Planning Board who are hearing the case may direct appropriate questions during the hearing.

(m) When all facts have been presented, the chairperson close the Hearing and inform the petitioner or his representative and others present that they will be notified of the Planning Board's decision.

Section 4. Hearing of Application for Amendments

The Planning Board shall have the authority to waive the requirement for a hearing in conjunction with an application for an amendment if, in its opinion, such amendment is minor in nature and does not constitute a substantial change in the plan or plans referenced in the original Special Permit Decision.

ARTICLE IV FLEXIBLE DEVELOPMENT (PLANNED RESIDENTIAL DEVELOPMENT) IS A SUBDIVISION

All applications for Flexible Developments shall be reviewed simultaneously with the application for a Definitive Subdivision as prescribed under M.G.L., Chapter 41, Sections 81K-81GG. If a Planned Residential Development is also a subdivision within the meaning of the Subdivision Control Law, the above procedure shall also pertain.

ARTICLE V ACTIONS BY THE BOARD

Section 1. Voting Requirements

The concurring vote of four of the five members of the Planning Board shall be necessary to decide in favor of the application for a Special Permit for a Planned Residential Development, Residential Compound, Flexible Development or Site Plan Review. The Planning Board shall cause to be made a detailed record of its proceedings, showing the vote of each member or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decision and of its other official actions, copies of which shall be filed in the Office of the Town Clerk.

Section 2. Withdrawal

An application may be withdrawn without prejudice by notice in writing to the Planning Board at any time prior to the publication of the notice of a public hearing. Withdrawal thereafter with or without prejudice requires Planning Board approval and, in either event, there shall be no return of any fee paid with such application.

Section 3. Repetitive Petition

No application which has been unfavorable and finally acted upon by the Planning Board shall be acted favorably upon within two years after the date of final unfavorable action unless the Planning Board finds by a four-fifths vote of the Board specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the records of its proceedings, and unless all but one of the members of the Planning Board consent to consideration of the matter. Notice to parties in interest shall be given of the time and place of the proceedings at which the question of consent will be considered.

Section 4. Limitation on Approval/Extension

If an application for a special permit is approved by the Board, all permits necessary for the prosecution of the work shall be obtained and substantial use thereof shall be commenced except for good cause or construction begun except for good cause within two years from the date of filing of the Board's decision in the Office of the Town Clerk unless the Board otherwise provides for a lesser period of time in the decision. A reasonable extension of said time shall be granted by the Board in the case of an appeal to the Superior Court under M.G.L., Chapter 17 or for other good cause shown.

Section 5. Decisions

(a) The Clerk of the Planning Board will send a copy of its decision to the property owner, the applicant if other than the property owner, the Town Clerk and, when applicable other Town Boards and departments, and will send notices of its decision to parties in interest and every person present at the public hearing who requests that notice be sent and states the address to which it is to be sent.

(b) The applicant is responsible for filing the certified decision in the Registry of Deeds and for paying the recording fees. A copy of the recorded decision, certified by the Registry, must be submitted to the Planning Board before a building permit dependent on the Special Permit can be issued by the Building Inspector, or before any lots can be released from a restrictive covenant.

ARTICLE VI

POLICIES AND ADVICE

Any advice, opinion, or information given to the applicant by a Planning Board member, the Building Inspector, the Planning Director, or other official or employee of the Town prior to a public hearing shall not be binding on the Board. Individuals are discouraged from appealing personally to the members of the Planning Board prior to a public hearing and a final decision.

ARTICLE VII AMENDMENTS

These Rules may be amended by a majority vote of the members of the Planning Board, provided that such amendment shall be presented in writing at a regular meeting and action taken thereof at a subsequent regular meeting.

ARTICLE VIII EFFECTIVE DATE

These Rules were adopted at a regular meeting of the Planning Board on April 22, 1986 and became effective as of that date; amendments were adopted October 28, 1986, February 10, 1987 and December 13, 1988. Any rules and regulations previously adopted by the Planning Board with respect to the issuance of special permits are hereby repealed.

ARTICLE IX RELATED VARIANCES

An applicant shall be responsible for filing any request for required variances from the Zoning Board of Appeals prior to any application filed with the Planning Board in accordance with these Planning Board Rules for Planned Residential Development, Residential Compound, Flexible Development and Site Plan Review Special Permits. The Planning Board recommends to the applicant that any request for Planning Board public hearings be delayed until action by the Zoning Board of Appeals including the appeal period, in accordance with Massachusetts General Laws, has expired.



TOWN OF NEEDHAM
MASSACHUSETTS

Room 20, Town Hall
Needham, MA 02192
617-444-5100

PLANNING BOARD

APPLICATION FOR SPECIAL PERMIT
for
PLANNED RESIDENTIAL DEVELOPMENT
RESIDENTIAL COMPOUND
FLEXIBLE DEVELOPMENT

This application must be completed, signed, and submitted with the filing fee by the Applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority.

Location of Property _____

Name of Applicant _____ Address _____ Tel.# _____

Applicant is Owner Tenant Agent/Attorney Purchaser

Property Owner's Name _____ Address _____ Tel.# _____
(if not Applicant)

Characteristics of Property: Lot Area _____ Present Use _____

Map # _____ Parcel # _____ Zoning District _____

Nature and justification of request for a special permit under the Zoning By-law, Section 4.2.5. Planned Residential Development; Section 4.2.6. Residential Compound; or Section 4.2.4. Flexible Development:

I hereby request a hearing before the Planning Board with reference to the above application.

Signature of Applicant (or his representative) _____

Address if not Applicant _____

Tel.# _____

Owner's permission if other than applicant _____



TOWN OF NEEDHAM

MASSACHUSETTS

Room 20, Town Hall
Needham, MA 02192
617-444-5100

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination:
 by Planning Board/ Major Project Requiring special
 Building Inspector Minor Project permit from Board
 of Appeals

This application must be completed, signed, and submitted with the filing fee by the Applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority.

Location of Property _____

Name of Applicant _____ Address _____ Tel.# _____

Applicant is Owner Tenant Agent/Attorney Purchaser

Property Owner's Name _____ Address _____ Tel.# _____
(if not Applicant)

Characteristics of Property: Lot Area _____ Present Use _____

Map # _____ Parcel # _____ Zoning District _____

Description of Project for Site Plan Review under Section 7.4. of the Zoning By-law:

I hereby request a hearing before the Planning Board with reference to the above application.

Signature of Applicant (or his representative) _____

Address if not Applicant _____

Tel.# _____

Owner's permission if other than applicant _____