

Administrative Rules of the Planning Board

1. Organization

Membership and officers

In accordance with Article IX of the Town By-Laws and Section VI-K of the Town of Holliston Zoning By-Laws, the Planning Board consists of five regular elected members and one appointed associate member. Vacancies are filled at the earliest opportunity in accordance with the provisions of Article XXVIII of the General By-Law.

The members re-organize annually at the first opportunity after the Town Election. A Chairman is selected. Other officers may include Vice Chairman, Clerk and Agent at the discretion of the members but these positions may be combined into a single Clerk position. The Chair shall preside at all meetings and hearings of the Board. General meeting and hearing formats are detailed below.

Standards of Conduct for Board Members

Members shall make every effort to attend all regularly scheduled meetings and shall make best efforts to notify the Chair or Town Planner of impending absences at least 24 hours in advance.

Applicants are encouraged to take full advantage of staff review and visit the Board informally by appointment.

Alternate Member

The Alternate Member shall attend all meetings and may participate in discussion for any item before the Board; however, the Alternate shall not vote on any matter before the Board unless a regular member of the Board is absent and the Chair has informed the Board and any members of the public present that the alternate member will be acting as a regular member of the Board for purposes of the subject petition.

Planning Board Appointments

The full board shall make annual appointments to other boards, committees and task forces such as the Community Preservation Committee and Housing Trust.

Subcommittees

The full Board shall appoint standing subcommittees as may be found necessary or desirable. A vote of the Board can establish or dissolve a subcommittee.

2. Submission Deadlines

When a complete application package is submitted to the Planning Board Office, a public hearing or public meeting date will be scheduled by the Town Planner. General Business items shall also appear on the board's schedule and are generally scheduled for the front-end of the docket. Notice of a meeting or hearing shall be provided to the applicant at least 7 days in advance of the meeting date. Applicants shall be expected to appear in front of the board or designate an agent to act on their behalf. Applicants who need/desire to continue a matter without making an appearance before the Board should direct a written request to the Town Planner at least two business days prior to the meeting so that the posted agenda may be adjusted. Failure to appear may result in negative action by the board (i.e. applications may be denied).

Planning Board meeting agendas close at 2 p.m. on the Thursday before the meeting date. All materials for which Planning Board consideration is required or is requested shall be submitted prior to that time. Any information submitted after that deadline may not be considered by the Board at the meeting and may necessitate a continuance of the hearing or discussion to a future date so that materials may be reviewed. Applicants expecting consultant and Town staff reviews to be completed prior to the deadline must submit all required information at least four (4) business days before the Thursday deadline.

3. Open Meetings

All meetings of the Planning Board shall be held in accordance with the provisions of the Massachusetts Open Meeting Law. The term "meeting" has two statutory exceptions (MGL 39, Sec 23):

1. On site inspection of a property that is the subject of an application and
2. A chance meeting or social meeting at which matters related to official business are discussed, so long as no final agreement is reached

Public Hearings

Written notices, the initiation of the hearing and the written conclusions of a hearing have strict legal time limitations that vary with the nature of the hearing under Chapters 40A Zoning and 41, s. 81 Subdivision Control Law. However several procedures are common to all hearings. The Chairman should run the hearing and state the guidelines and time allowances – if restricted – before any testimony is given (Members should agree upon time limits based on a stated curfew or the number of business items on their agenda.). All questions should be directed to the Chair who in turn, may ask for a response from the floor. An applicant may appear in his own behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the board may decide on the matter using the information it has otherwise received, or continue the hearing.

Sample format for a hearing:

Opening

The Chair will announce the nature and purpose of the hearing and recite the notice given or ask the Clerk to do same. Members may vote to waive the reading of the notice if sufficient identification is provided in the Chair's opening statement. The Chairman will briefly explain the hearing format and identify the project proponent.

Hearing

Presentation by applicant and/or their representative

Questions from Board members

Receipt of comments from any Town agency or officer, including the Board's peer consultant(s), if any

Statements and questions by members of the public

Requests for supplemental information to the applicant

Rendering a decision

Deliberate on application's merits

Close Public Hearing*

Render a decision approving the petition, approving it with conditions or denial.

*The board shall not consider any additional materials once the public hearing has been closed, as this material would not be subject to public review and comment.

Quorum and Voting

A quorum of three (3) members of the Planning Board shall be required to conduct business. The exception to this is in the case of a Special Permit where the Mass. General Law c. 40A, s. 9 calls for an affirmative vote to be a supermajority (because the Board is composed of five members, an affirmative vote requires four members). Only those members of the Board who were in attendance at all the public hearing sessions may vote on the application in question.

Board members present may be counted to determine whether a quorum is present even if they abstain from voting affirmatively or negatively. Exception: If the Board member is abstaining due to conflict of interest, they cannot be counted as being present for the quorum for that portion of the meeting for which they are disqualified by reason of conflict of interest.

All votes must take place at a Board meeting in person. No phone-in, email, proxy, or faxed votes are acceptable.

Informal Meetings

Prior to filing an application, applicants are encouraged to schedule a meeting with the Planning Board to discuss projects informally but only after discussing the issue with

staff. The Town's land use staff are all located on the bottom level of Town Hall and have developed a cooperative meeting process to facilitate pre-review of applications. The staff will review preliminary materials in an attempt to avoid unnecessary deficiencies in the application to be filed and to promote efficiency in the formal review and hearing process. The Board will not be responsible for assuring the accuracy, correctness or thoroughness of any application submitted for review.

Review Criteria

The Planning Board should evaluate special permits with respect to:

1. Compliance with all applicable requirements of the Zoning Bylaw.
2. Compatibility with the policies and objectives established in the Master Plan.
3. Compliance with all applicable standards and regulations pertaining to the protection of environmentally sensitive areas such as wetlands, flood hazard areas, and watersheds.
4. Compliance with generally accepted elements of good site design, layout and architectural style.
5. General compatibility with surrounding land areas and development.
6. Abutter and resident input.

These review criteria shall apply both to applications for which the planning board is the permit granting authority, and for projects for which planning board review has been sought from another town board.

Request for Waiver of Rules

A written request for a waiver from these Rules shall be made at the time of filing. If an oral request is made at a hearing or meeting, it shall be reduced to and submitted as a written request prior to the close of the public hearing. Any request must clearly identify the provision or provisions of these Rules from which relief is sought and such request must be accompanied by a statement setting forth the reason or reasons why, in the Petitioner's opinion, the granting of the waiver would be in the public interest and consistent with the intent and purpose of the Bylaw and these Rules.

4. Administration

Adoption

These Rules and Regulations are hereby adopted on January 5, 2012 by the Holliston Planning Board.

Validity

In the event of a conflict between the provisions of these Rules and Regulations and the provisions of the Massachusetts General Law, the provisions of the Massachusetts General Law shall apply.

Amendment - From time to time, the Planning Board may amend these Rules and Regulations. Such Rules and Regulations shall be adopted following a majority vote of the board at a public meeting.