

TOWN OF TOPSFIELD



PLANNING BOARD

RULES AND PROCEDURES

NOTE:

This document provides the required information for filings with the Topsfield Planning Board. Questions regarding these rules and procedures should be directed to them.

Issue Date: January 12, 2012

**TOWN OF TOPSFIELD
PLANNING BOARD
RULES AND PROCEDURES**

A Planning Board of five members is responsible for administering the Topsfield Zoning Bylaws in conformity with the provisions of Massachusetts General Laws Chapter 40A, as amended (known as “The Zoning Act”), the Scenic Road Bylaw in conformity with the provisions of Massachusetts General Laws Chapter 40, Section 15C and the Stormwater and Erosion Control Bylaw in conformity with the provisions of Massachusetts general Laws Chapter 131, Section 40 and Chapter 21, Sections 23-56. These Rules and Procedures shall incorporate the Zoning Act, as amended, as if fully set forth herein.

I. JURISDICTION:

To hear and decide applications for special permits pursuant to Article V, Section 5.02B of the Topsfield Zoning Bylaw and to hear and decide applications for Site Plan review Pursuant to Article IX of the Topsfield Zoning Bylaws as the Special Permit Granting Authority for:

- A. Uses in the Business Park District requiring special permits in accordance with Section 3.06 and the Table of Use Regulations;
- B. Special Permit and Site Plan approval for multifamily residences for the elderly in the Elderly housing Districts in accordance with Section 3.16;
- C. Special Permit for Common Drive in accordance with Section 4.07 J;
- D. Special Permit for temporary accessory apartments in accordance with section 7.03; refer to separate temporary Accessory Application;
- E. Special Permit for uses in the Groundwater Protection District in accordance with Article XL;
- F. Special Permit and Site plan approval for Wind Energy Conversion System – Small Scale in accordance with Article XV;
- G. Special permit and Site Plan review for Ground-Mounted Solar Photovoltaic Installations in accordance with Article XVI;
- H. Special Permit for Scenic Road Bylaw; Refer to Scenic Road Rules and Regulations;
- I. Special Permit for Stormwater & Erosion Control Bylaw; Refer to Stormwater & Erosion Control Regulations.

II. ORGANIZATION:

- A. The Planning Board shall annually elect a Chair and a Clerk from its membership.
- B. Meetings of the Planning Board shall be held at the call of the Chair. Public notice of meeting time and place shall be filed with the Town Clerk at least 48 hours prior to the meeting.
- C. Solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with M.G.L. Chapter 40A, & 9, the Chairman of the Planning Board, or the Acting Chairman, in the event of the absence of the Chairman, may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board.

- D. A concurring vote of at least 4 out of 5 Board members shall be required for the granting of a special permit pursuant to the Topsfield Zoning Bylaws, or any extension, modification, or renewal thereof, and for any order or decision or reversal.
- E. Records of the Board's proceedings shall be kept by the Community Development Coordinator and shall, upon approval of the Board, become public record.

III. GENERAL FILING PROCEDURES

A. The Application:

Form A (Application for Zoning Relief) and Supplement Form B (Assessor's List) must be completed by all petitioners/applicants/appellants (hereinafter "applicants") and are available at the Community Development Coordinator's Office, Town Clerk's Office and on the town's website at www.topsfield-ma.gov. Applications accepted and date-stamped by the Town Clerk shall be reviewed by the Board for compliance with the submission requirements referenced in Form A.

B. Time For Filing Applications:

The Planning Board generally meets the first and third Tuesdays of each month. In order for a matter which is the subject matter of an application above-described to be placed on the agenda for the next monthly meeting of the Board, the Board strongly recommends that the application be filed with the Town Clerk's office within 21 days prior to the meeting date. Note, however, that the Board can not render a decision on application for Site Plan Review for at least thirty (30) days after the filing of such an application.

C. Supporting Data:

1. Applications for All Special Permits.

All applications for a Special Permits, Findings, or Variances must be made as follows:

- a. _____ 7 copies of Application Form A
- _____ 7 copies of Application Supplement Form B with Assessor's certification
- _____ 7 copies of Assessor's map
- _____ 7 copies of Plot Plan to scale certified by a registered land surveyor
- _____ 7 copies of Building Inspector's denial, if any
- _____ 2 pre-addressed, stamped envelopes for each lot owner or party of interest set forth in Supplement Form B. (Return Address shall be: Planning Board, Town Hall, Topsfield, MA 01983)
- _____ 2 self-addressed, stamped envelopes with the same return address as above.

b. Certified Plot Plan Requirements:

- _____ All dimensions of land
- _____ All existing and proposed structures with dimensions
- _____ Distance of all existing and proposed structures, additions, or changes from front, side and rear lot lines
- _____ Zoning district classification and any zoning district boundary line that may pass through the property

- _____ All driveways and parking areas with dimensions
- _____ All roads and properties abutting lot
- _____ Title indicating lot number, street address, property owner and scale
- _____ North arrow
- _____ Certification by registered land surveyor of accuracy of plot plan (signed and Dated)

c. The Board may, in certain circumstances, waive the requirement for a certified plot plan. Such a waiver shall be approved by the Board prior to the submission of any formal application to the Town Clerk. Copies of said waivers shall be made a part of the submission.

2. Applications for Site Plan Review.

All applications for Site Plan Review shall be made in accordance with the provisions of Article IX, Section 9.05 of the Topsfield Zoning Bylaw (also see Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaws; and Supplement Form C for submittal requirements and formats). Supplement Form B and two pre-addressed stamped envelopes for each lot owner or party of interest set forth in Supplement Form B are required.

D. Filing Fees.

In the case of an application for Special Permit or Site Plan Review, the applicant shall pay a non-refundable filing fee of \$200.00 for each such application to the Town of Topsfield. For an application also requiring site plan review, the applicant shall pay an additional non-refundable fee of \$200.00. The applicant will also be responsible for the cost of the publication of the Legal Notice and other expenses associated with the required public hearing.

E. Noncomplying Applications.

It is critical for an efficient and expeditious determination of an application or appeal that all required accompanying and supporting data as set forth in Form A, Section V, be submitted with the application or appeal. Failure to submit appropriate and complete data could result in delay and/or denial of an application for the special permit and/or site plan review.

IV. Public Notice Procedure.

- A. The Board shall fix a date and time for the hearing of the matter subject to an application and shall cause the notice of the time and place of such hearing and of the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the town in accordance with the requirements pursuant to the respective Massachusetts general Law .
- B. The legal notice shall be posted in a conspicuous place in the Town Hall in accordance with the requirements pursuant to the respective Massachusetts General Law.
- C. Notice shall be also sent by the Board to the Topsfield Zoning Board of Appeals, Board of Selectmen, and if pertinent, to the Planning Boards of Wenham, Hamilton, Ipswich, Danvers, Middleton and Boxford.

V. Public Hearing Procedure

- A. The following shall be read aloud at the Public Hearing: Applicant's application (or summary thereof) and Legal Notice of the Public Hearing. It shall be noted for the record that notice was sent to all lot owners within 300 feet as provided by the applicant on Supplement Form B of the application and made available to the public at the Town Clerk's Office.
- B. The Applicant is then given an opportunity to comment further upon the application if he/she so desires.
- C. Other persons present are then given an opportunity to be heard. Any person, whether entitled to notice or not, may appear in person or by agent or by attorney.
 - a. If statements or letters have been submitted by individuals who could not be or are not present, such statements (or summaries thereof) are read at this time.
 - b. When all who wish to speak have been heard, the hearing may be closed.
 - c. A vote will be taken by the Board on the application following its deliberation on the application.

VI. Decision of the Board.

- A. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within 90 days in the Office of Town Clerk and shall be made a public record; and notice of the decision shall be mailed forthwith to the Applicant, to the parties in interest (landowners within 300 feet of the property line) as show on Supplement Form B and to every person at the Public Hearing who requested that notice be sent to him/her and stated the address to which such notice was to be sent. Notice shall specify that appeals, if any, shall be made pursuant to G.L.c. 40A, Section 17 and shall be filed within 20 days after the date of filing of such notice of decision in the Office of the Town Clerk. For general bylaw special permits, appeals shall be made pursuant to G.L.c. 249, Section 4 shall be filed within 60 days after the date of filing of such notice of decision in the Office of the Town Clerk.
- B. Furthermore, upon the granting of a Finding, Special Permit or any extension, modification or renewal thereof, the Planning Board shall issue to the owner and to the Applicant, if other than the owner, a copy of its decision, certified by the Planning Board, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such a Finding or Special Permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and the Town Clerk.
- C. No Finding, or Special Permit, or any extension, modification, or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded by the Applicant in the Registry of Deeds for the County and District in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title or as otherwise provided in Chapter 40A. The fee for recording or registering shall be paid by the owner or applicant. In the case of a general bylaw special permit, the elapsed time is 60 days.

VII. General Information

A. Special Permits

- 1. For uses permitted by Special Exception in the Table of Use regulations of the Topsfield Zoning Bylaws that require a Special Permit from the Permit Granting Authority

(Planning Board), application shall be filed as outlined in Section III of these Rules and Procedures. The Board may require additional information as necessary to judge adequately the merits of the request.

2. Within 65 days after the filing of a complete Special Permit application, a Public Hearing shall be held as provided for in Section V. of these Rules and Procedures.
3. The Board of Appeals in granting any Special Permit shall conform with the provisions of Section 5.04 of the Topsfield Zoning Bylaws.
4. The Board shall make a decision on the Special Permit within 90 days (or any extended time) following the close of the Public Hearing. Failure of the Board to take a final action within said 90 days (or any extended time) shall be deemed to be a grant of the permit applied for so long as the applicant complies with the requirements of the Zoning Act, G.L.c. 40A, section 9 regarding notice, etc.
5. The decision of the Board shall be filed with the Town Clerk in accordance with Section VI of these Rules and Procedures.
6. Copies of the decision shall be sent to the Building Inspector, Board of Selectmen, Planning Board and Applicant. Issuance of the Special Permit does not constitute issuance of a building permit, which must be obtained by filing an application with the Building Inspector.
7. A Special Permit so granted shall lapse within one year of the date of approval if a substantial use thereof has not sooner commenced except for good cause, or, in the case of permit for construction, if construction has not begun by such date except for good cause.
8. No application for Special Permit which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the date of such unfavorable action except in accordance with the Zoning Act and unless the Board finds, by a vote of 4 out of 5, specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties of interest of the time and place of the proceedings when the question of such consent will be considered.

B. Waiver of Compliance

The Board may, where such action is in the public interest and not inconsistent with the intent and purpose of the Zoning Bylaws, waive strict compliance with the application procedures set forth herein.

C. Withdrawal without Prejudice

Any application which has been transmitted to the Board of Appeals may be withdrawn without prejudice by the applicant prior to the publication of the notice of a Public Hearing thereon. Thereafter, an application may be withdrawn without prejudice only with approval of the Board of Appeals.

VII. General Information pursuant to the Topsfield General Bylaws

Refer to either Topsfield Scenic Road Bylaw Rules and regulations or Stormwater and Erosion Control regulations for specific details.

VIII. General Information

A. Amendments

These Rules and Procedures may be amended from time to time in accordance with The Zoning Act, the Topsfield Zoning Bylaws, M.G.L. Chapter 40, Section 15C, Topsfield Scenic Road Bylaw, M.G.L. Chapter 131, section 40 and M.G.L. Chapter 21, Sections 23-26 and Topsfield Stormwater and erosion Control Bylaw.

B. Invalidity

The invalidity of any of the foregoing rules, regulations, procedures and requirements shall not affect the validity of the remainder.

C. Effective Date

These Rules and Procedures were effective as of January 12, 2012. Previously, the Planning board followed applicable sections of the Zoning Board Rules and Procedures as Special Permit Granting Authority.

D. Previous Rules

Any previous rules and procedures governing the Planning Board are repealed in whole.

E. Conflicts with State Law and Local Zoning Bylaw

In the instance that any rule or procedure herein is in conflict with any state law or with the local Zoning Bylaw, such statutory law or local zoning bylaw shall govern.



Town of Topsfield

TOPSFIELD, MASSACHUSETTS

Topsfield Planning Board

Notice of Rules and Regulations Change

Notice is hereby given that on January 12, 2012, the Planning Board adopted changes to its Rules and Regulations to require that all applicants to the Board pay for the cost of all required legal notices. The Board will arrange for the publication of the legal advertisements and will direct the newspaper to submit the invoice for the publication directly to the applicant.

Authorized Signature
Assessors' Office _____

Date of Verification _____

**TOWN OF TOPSFIELD, MA
PLANNING BOARD**

**Application Supplement Form C
Site Plan Review Submittal Requirements & Formats**

Submittal Distribution Requirements and Formats:

1. An applicant shall file with the Town Clerk copies of all required documents in the quantities and forms as outlined below. The Clerk's copy of the required documents shall be kept on file by the Town Clerk for the duration of the permitting process and the remaining copies shall be distributed immediately by the Town Clerk to the following:

	Plan
Town Clerk	1
Granting Authority *	7
Granting Authority electronic	1
Reviewing Engineer	1
Conservation Commission	1
Public Works Department (Water & Highway)	1
Board of Health**	1
Historical Commission**	1
Building Inspector**	1
Fire Department**	1
Police Department**	1
Tree Warden**	1
Planning Board or Board of Appeals if not the Granting Authority **	

* Two full size and five reduced size (11" x 17")

** Reduced size plans (11" x 17") are acceptable

Additional copies of any and all documents shall be furnished if requested by the Granting Authority or any other Board, Commission or Department.

2. An electronic copy of all documents shall be submitted to the Granting Authority, formatted in a single paginated PDF file with descriptive bookmarks for each plan set and for each document on either a CD or DVD disc.
3. An electronic copy of the final plans with same format as in section "4.11.2." above, and a full size hard copy of said plans showing the Signatures of the Granting Authority and date of approval shall be submitted to the Granting Authority.

SUMMARY:

* Granting Authority: **(2) Full Scale, (5) Reduced Size 11 x 17**
Town Clerk, Review Engineer, Conservation, Public Works: **Full Scale**
All Others: **Reduced Size 11 x 17**

Total: (6) Full Scale; (12) Reduced Size 11 x 17; (1) electronic copy