

Policies and Procedures of the Huntington Planning Board

I. Authority

The policies of the Huntington Planning Board are adopted under authority granted by Massachusetts General Law Chapter 41, Sec. 70. (MGL 41:70). The Planning Board, as stated in 41:70, “shall make careful studies of the resources, possibilities and needs of the Town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality.” The general powers and duties of the Huntington Planning Board are found in MGL 41:81B.

II. Membership

MGL 41:81A states “a planning board established hereunder shall consist of not less than five, nor more than nine members.” The Huntington Planning Board (hereafter “the Board”) shall be comprised of five members appointed by the Board of Selectmen to terms of three (3) years, said terms set to expire on successive years. There should also be one associate member appointed by the Board of Selectmen for a term of three years.

The Board “shall elect a chairman and a clerk from its own number”, as stated in MGL 41:81A. By vote of the Board, a Secretary and Vice Chairman should likewise be elected.

The duties of the Chair are as follows:

- A. To set the agenda for board meetings
- B. To moderate said meetings
- C. To moderate public hearings
- D. To represent the board at regional planning commissions
- E. To handle day to day operation of the Board
- F. To manage postings of regular Planning Board meetings on the Town’s website, and at Town Hall

It is the function of the Chair to, whenever possible, initiate ideas and directions of the Board, and to encourage dialogue on municipal issues.

The Vice Chairman shall perform the duties of the Chair, in the event of the Chair’s absence or other inability to perform those functions.

The shared duties of the Clerk and Secretary are to record the minutes of each meeting and hearing. These minutes shall be given to the Town Clerk in a timely manner after said meeting or hearing. The Clerk, unless otherwise provided for, is responsible for posting of Public Hearings and special Planning Board meetings. Public posting of special Planning Board meetings must be made a minimum of 48 hours (Monday-Friday, not including holidays) prior to meeting, in accordance with the Open Meeting Law. Such postings shall be made on the Town’s website and in a conspicuous place in town hall. The Clerk is responsible for all record keeping and board correspondence.

III. Meetings

Unless previously posted as otherwise, regular meetings of the Board shall be alternate weeks, with special meetings held as needed. Three members of five shall constitute a Quorum or majority for meetings and the same number to pass or defeat an issue before the board (except Special Permits, which may require a unanimous vote).

IV. Public Hearings

MGL 40A:11 requires notice be given of Public Hearings “in a newspaper of general circulation” in the town once in each of two successive weeks, the first not less than 14 days, not counting the day of the hearing, prior to said meeting. Notice of Public Hearing shall be sent to applicant(s) and abutters and abutters to abutters within 300 feet of applicant’s property line, without regard to road, street or way. These abutters and abutters to abutters shall be known as “parties of interest” (MGL 40A:11) and their names and addresses shall be taken from, and certified by, the Board of Assessors as their applicable tax lists. Notice of Public Hearing shall also be sent to abutting towns, to the Town Clerk, and to related boards, as is appropriate. Unless otherwise arranged, Public Hearings are to be held in Stanton Hall, arrangements for which are to be made with the town’s Administrative Assistant.

V. Special Permits

A. Special Permit Hearing Procedure

The Chair will call the Public Hearing to order and state the business of the hearing and its precedents under local by-law and MGL.

The Board shall verify that the hearing has been advertised and posted and “parties of interest” (MGL40A:11) notified, as required by law. This shall be noted in the minutes by the Clerk. The Board (Chair, usually) shall review applicable local by-law and its application to the Public Hearing. At this time, standards for the special permit should be set.

Applicants for special permit should now be given ample opportunity to address the Board and public on those issues which apply.

The chair next invites “parties of interest” and then the general public to give testimony before the Board. Each individual speaking must state his name and address for the record. All will be advised by the Chair to keep remarks only to the matter at hand.

The Board may, at this time, address questions to the applicant and to those who have given testimony. Board members are reminded that no decision is to be made at this point and questions must not give the impression of predisposition.

After all questions are answered to the Board’s satisfaction, the Chair will close the public comment portion of the hearing and ask whether the Board members have further questions, or are prepared to vote. See “Applications for Special Permits” below. All votes are to be recorded as follows: Name _____ yes or no. If Board members wish to specify short reasons for their vote, those reasons should be recorded with their vote. The Board will write a decision to be presented to the same named parties as the Notice of Public Hearing shown above in “ Public Hearings”.

B. Appeals to Special Permit Decisions

Under MGL 40A:15 all appeals of decisions made by the Board shall be taken within 30 days of date of decision.

MGL 40A:16 states “no appeal application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall be acted favorably upon within two years after the date of final unfavorable action unless said special permit granting authority or permit granting authority finds, by a unanimous vote... or by a vote of four members of a board of five..., specific and material changes in the conditions upon which previous unfavorable action was based, and describes such changes in the record of its proceedings...”

Any petition for a variance or application for a special permit which has been transmitted to the permit granting authority or special permit granting authority may be withdrawn, without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the special permit granting authority or permit granting authority. “

VI. Zoning By-Laws

A. Public Hearing for By-laws

The Planning Board may be called upon by the Board of Selectmen to write, re-write or amend local zoning by-laws. The Board may also use their discretion to re-write or amend local zoning by-laws, with the approval of the Board of Selectmen.

The procedure for adopting new by-laws is found in MGL 40A:5 “ Section 5 Adoption or change of zoning ordinances or by-laws; procedure” (2015)

Once the by-law is written, or amended and approved by a majority of the Board, it shall be presented first to the Board of Selectmen, and then to the public at a properly posted Public Hearing.

Notice of Public Hearing shall be posted on the Town’s website and in Town Hall at least fourteen (14) days, not counting the day of the hearing, prior to the hearing.

Notice of public hearing shall be published in a newspaper of general circulation in the community at least fourteen (14) days not counting the day of the hearing, prior to the hearing. This published notice shall appear for at least two (2) consecutive weeks, once in each week, prior to hearing.

Notice of Planning Board Public Hearing shall be sent to:

1. Planning Boards of neighboring towns
2. Regional Planning Agency (PVPC)
3. Executive Office of Communities and Development (DHCD)

Notice of public hearing shall also be sent to all local boards and departments affected by proposed by-law.

Notice for public hearing must be written concisely and precisely. Above all, it must be to the point. The board shall not put more than one bylaw per public notice even if both hearings are on the same night.

B. Warrants for By-laws

Warrants for Annual Town Meeting at which a proposed bylaw is to be presented must be posted at least 7 days prior to the town meeting. A Special Town Meeting requires warrant posting at least 14 days in advance of the town meeting.

No more than six months may elapse between the Planning Board hearing and town meeting, whether annual or special. If more than six months has elapsed, then a new Public Hearing process must again be followed.

C. Reports for By-laws

The Planning Board must present a report with recommendations to the town meeting. This report may be oral or written but should include why the by-law is needed, and how the proposed by-law deals with the specified problem. This report must be concise and to the point.

VII. Fees and Consultants

Applications for Wireless Communication Facility Special Permits under Section IVQ of the Huntington Zoning Bylaw shall be subject to a filing fee of \$150, plus postage for notification costs. All other special permit applications shall be subject to a filing fee of \$50. ANR (and so-called "Reverse ANR") Subdivision Plans shall be subject to a filing fee of \$50 for each parcel after the division or addition (For example, one parcel being split into two has a fee of \$100, whereas two parcels being combined into one has a fee of \$50). All of these fees are subject to change. The Planning Board has adopted MGL 44:53G, which entitles municipal boards to hire consultants and/or specialists, at an applicant's expense. MGL 44:53G may be invoked for any application deemed necessary at the discretion of the Planning Board.

The procedure for MGL 44:53G is as follows:

Upon submission of an application for a Special Permit (whether or not the application has been determined to be complete), the Board shall instruct the applicant that he/she deposit a sum to be determined by the Board with the town treasurer. This sum will be put into an MMDT (Mass. Municipal Depository Trust) to be used to pay the fees of consultants or specialists. This fund may be increased as needed.

At the end of the special permit process, the remainder (if any), plus any accrued interest shall be returned to the applicant.

Hiring of consultants under MGL 44:53G is subject to MGL 30B procurement regulations. As a result, expenditures in excess of \$1000 shall be put out to bid.

VIII. Applications

ALL applications must be submitted to the Planning Board at an appointment properly noticed as per the Open Meeting Law with the applicant(s) name and address and the address and parcel number of the pertinent parcel(s) in the application.

Applicants shall provide 7 copies of their application to the Planning Board, so that copies are available for the Zoning Board of Appeals, the Board of Selectmen, the Town Clerk, the Conservation Commission, and the Board of Assessors, as well as other boards as seems reasonable for a given application. Additional copies may be required on a case by case basis.

The procedure for Special Permits shall be as is found in MGL Chapter 40A: Sections 9 and 11.

Applications for Special Permit shall include plans, blueprints, drawings, layouts, engineering studies, and any other information necessary to decide the application. Section IV: J Earth Removal applications shall provide plans as per the Huntington Conservation Commission regulations for soil and sedimentation control. It is always advisable for the applicant to consult with the Planning Board prior to filing an application.

Once the application is submitted to the Planning Board, the Board shall evaluate the application to ascertain that all required information is provided. If the application is found to be incomplete, the applicant shall be informed, and the additional materials shall be filed with the Town Clerk, and the Board immediately notified. No Public Hearings shall be posted until the application is judged by the Board to be complete.

The application then goes to Public Hearing (see Special Permit Hearing Procedure) at the end of which the chair shall poll the board to ascertain their views on the application, and then shall state his or her own views. The members may state how they think the case should be decided, and why, or they may reserve their views pending further study.

IX. Decisions

A. Decisions shall be made at a Public Hearing or other public meeting of the Board with the signatures of at least 4 of 5 members (MGL 40A: 9) on a written document, presented as a motion and prepared exactly as it is to be filed with the Town Clerk. This document shall state the following:

1. The decision and, if affirmative, any conditions attached thereto.
2. Findings as to the relevant facts.
3. Findings of how the law applies to the case.
4. The reasoning by which the decision is justified in view of these findings.
5. How each member voted on the motion

B. If the decision of the Board is not unanimous, or if the members of the Board have differing views on 2, 3, or 4 above, these differing views should be set forth in the decision.

C. The decision shall contain a statement of the right of appeal, under MGL Ch. 40A, Sections 8 and 17, by anyone aggrieved by the decision.

D. Decision shall not be made until a written recommendation has been received from any others whose recommendations are required by law, or until 35 days from receipt by the Planning Board of the complete application.

E. Notice of Decision

As soon as possible after the date the decision is filed with the Town Clerk, the applicant and parties in interest shall be sent a copy of the decision as provided in MGL 40A: 11. Such notice shall state the right of appeal by aggrieved parties under MGL. Ch. 40A, Sections 8 and 17. No decision shall take effect until the applicable appeal period has passed.

Revised 12/2//15