

## **SOUTH HADLEY PLANNING BOARD PUBLIC HEARING**

### **Proposed revisions to Planning Board General Rules and Regulations Concerning Application Requirements, Application Fees, Application Review Fees, and Fee Schedules.**

#### **MINUTES OF AUGUST 19, 2019 AS APPROVED**

**Present:** Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney, Clerk; Brad Hutchison, Member; Joanna Brown, Member; Larry Butler, Associate Member; Richard Harris, Town Planner; and Colleen Canning, Recorder

Chair Cavanaugh called the Public Hearing into order at 7:16 PM

Clerk Mulvaney read the Public Hearing notice out loud:

*Proposed Amendments to General Planning Board Regulations regarding Application Requirements (including but not limited to, Application Fees and Application Review Fees) relative to Site Plan Review, Special Permit, Subdivisions, and Other Application Submittals Pursuant to Massachusetts General Laws Chapter 44, § 53G, Chapter 41, § 81Q, and Chapter 40A, § 9, and the South Hadley Zoning Bylaw, and the South Hadley Subdivision Regulations, the Planning Board of the Town of South Hadley will hold a public hearing to discuss proposed amendments to the "Planning Board General Rules and Regulations Concerning Application Requirements, Application Fees, Application Review Fees, and Fee Schedule" adopted June 3, 2019 relative to Site Plan Review, Special Permit, Subdivisions, and Other Application Submittals as noted herein. The public hearing will be held as follows:*

*Place: South Hadley Town Hall, 116 Main Street - Selectboard Meeting Room; South Hadley, MA  
Date: Monday, August 19, 2019  
Time: 7:15 p.m.*

*The purpose of the proposed amendments to the General Planning Board Regulations is to clarify some of the provisions therein, specifically in regards to Sections 2c and 2e under "Application", Section 9 "Failure to Pay", Section 10 "Excess Funds Returned", Section 12 "Successor in Interest", and Section 13d "Waiver of Appeal" under "Appeals", and add to Section 16 "Procedural History" as detailed in the proposed amendments. The complete text and maps (if any are applicable) relative to the proposed amendments is available for inspection during regular business hours (8:30 a.m. to 4:30 p.m.) at the following place:*

*South Hadley Planning & Conservation Department Office  
Town Hall, 116 Main Street – Room 204  
South Hadley, MA 01075*

*Additionally, a copy of said proposed amendments is posted on the Planning Board page of the Town's website in the folder entitled "Proposed Amendments to the Planning Board General Rules and Regulations".*

*Any person interested in, or wishing to be heard on, the proposed amendments should appear at the time and place designated for the public hearing.*

*Diane Supczak-Mulvaney, Clerk  
South Hadley Planning Board*

*Publication: Friday, August 2, 2019*

*Friday, August 9, 2019*

Mr. Harris opened with background. He explained that the Board adopted amendments to the Planning Board Regulations in June 2019. The town attorney had reviewed the amendments and offered recommendations for additional amendments to offer further clarity. Therefore, a Public Hearing was scheduled and advertised to discuss the adoption of such amendments.

The Planning Board General Rules and Regulations as adopted June 3, 2019 were proposed to be amended as follows:

In Section 2 "Application", Paragraph "c" is to be revised by inserting the phrase "or external drive" following the phrase "computer disk" such that paragraph 2c will read as follows:

*The "digital copy" shall be in a format acceptable to the Town Planner/Planning Director which will allow transmittal via email and posting on the Town's website. Generally, the digital copy is to be in a Portable Document Format (PDF) unless the Town Planner/Planning Director determines a different format is equally acceptable. The "digital copy" may be submitted to the Town Planner/Planning Director via email the same day on which the paper copies are submitted or contained on a computer disk **or external drive** submitted with the paper copies.*

In Section 2 "Application", Paragraph "e" is to be revised by inserting the phrase "related to pending applications" following the phrase "or subsequent supplemental materials" such that paragraph 2c will read as follows:

*Modifications of application materials or subsequent supplemental materials **related to pending applications** shall be submitted in the same quantity and formats as the original application submittal.*

In Section 9 "Failure to Pay", delete the paragraph as presently written in its entirety and insert a new paragraph to read as follows:

*Failure of an applicant to pay a review fee shall be deemed failure to file a complete application and therefore the application shall be deemed incomplete and either denied by the Board or those grounds, or shall not be accepted.*

In Section 10 “Excess Funds Returned”, delete the paragraph as presently written in its entirety and insert a new paragraph to read as follows:

*At the completion of the Board’s review of a proposed project, or at a time determined by any statute, bylaw, or regulation to run from at the submission of the application/permit, including any constructive approval as certified by the Town Clerk, or upon the withdrawal of said submission in writing, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant’s successor in interest.*

In Section 12 “Successor in Interest”, insert the phrase “which may be subject to review by Town Counsel” at the end of the paragraph such the paragraph will read as follows:

*For the purpose of this regulation, any person or entity claiming to be an applicant’s successor in interest shall provide the Board with documentation that legally establishes this succession in interest, **which may be subject to review by Town Counsel.***

In Section 13 “Appeals”, delete Paragraph “d Waiver of Appeal” as presently written in its entirety and insert a new paragraph 13d to read as follows:

*Waiver of Appeal. The applicant should notify the Planning Board of its acceptance of the consultant and waiver of appeal at the earliest possible time in the review and consultant selection process. The Planning Board and staff reserve the right to take no action on an application until the appeal period has run, unless a waiver of appeal is filed.*

In Section 16 “Procedural History”, add a new paragraph which notes that the General Rules and Regulations adopted June 3, 2019 were filed with the Town Clerk on June 14, 2019, clarify the scope of the Rules and Regulations which were adopted, and note that the Planning Board held a public hearing on August 19, 2019 regarding these amendments and any action taken subsequent to that public hearing.

As there was no further information to gather, Chair Cavanaugh closed the Public Hearing at 7:23 PM.

Respectfully Submitted,  
**AS APPROVED**  
Colleen Canning, Recorder

### Appendix

Document	Document Location
Proposed Amendments to the Planning Board General Rules and Regulations.	Planning Files