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TOWN OF MEDFIELD

PLANNING BOARD

459 Main Street, Medfield, MA 02052

POLICIES & PROCEDURES OF THE PLANNING BOARD SITE PLAN APPROVAL AND SPECIAL PERMIT RULES AND REGULATIONS

Authority:

The Medfield Planning Board (the “Board”) was established in accordance with the provisions of Massachusetts General Laws (MGL) Chapter 41 - Section 81-A, and is governed by MGL Chapter 41 (the “Subdivision Control Act”), MGL Chapter 40A (the “Zoning Act”) and the Town of Medfield Zoning Bylaws (“Site Plan Approval” and “Special Permit Planning Board”).

Membership and Duties:

The membership of the Board shall consist of five (5) elected members and two (2) associate members appointed by the Select Board upon recommendation by the Planning Board. The Members shall hear and decide on cases presented to the Board in accordance with the powers invested in the Board under the specific statutory authority. Associate Members may be designated to sit on the Board for the purposes of acting on a special permit application, on the occasion of the absence or 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 Board, all as set out in MGL c. 40A §9. Members shall inform the Chair and Town Planner of anticipated absences as early as possible.

Standards of Conduct for Board Members:

The primary obligations of the Board members are to serve the public interest, to conduct themselves so as to maintain public confidence in the Planning Board, to meet the fundamental responsibility of fairness and to comply with all statutory regulations. Individual Board members, including the Chair, shall not meet with an applicant or representative outside of a Board meeting unless authorized to do so by the Board.

Conflict of Interest:

A Board member shall not participate in official capacity in matters in which such participation is prohibited by the Conflict of Interest Law. The Board member shall, at any meeting where the particular matter is discussed, disclose orally the existence of the conflict-of-interest, remove themselves from the meeting at the time, and leave the meeting room during all times that particular matter is being discussed (except as allowed by the Conflict of Interest Law).

Officers:

The Board Members shall elect from its membership a Chair, a Vice-Chair and a Clerk yearly. This reorganization will typically occur at the meeting following Annual Town Meeting and generally follows this rule:

- Chair – member in year 4 of term
- Vice-Chair – member in year 3 of term
- Clerk – member in year 2 of term

Duties of Officers:

The duties and powers of the officers of the Planning Board shall be as follows: The Chair shall preside over all meetings of the Board, the Chair shall have the power to call all regular and special meetings of the Board in accordance with these Rules and Regulations, to set the agenda for those meetings, to sign documents of the Board and to see that all actions of the Board are properly taken and meetings proceed in accordance with Open Meeting Law.

The Vice-Chair shall act as the Chair during the absence, disability or disqualification of the Chair, and shall exercise or perform all the duties and responsibilities of the Chair. In the absence on the Chair and Vice Chair, the Clerk shall act as Planning Board Chair. In the absence of all officers, the Board members present at a meeting shall elect an Acting Chair.

The Clerk shall review minutes prior to being adopted by the Planning Board.

Planning Board Appointments:

A majority of the Board shall:

- Appoint members of the Sign Advisory Board
- Appoint such standing subcommittees as may be constituted
- Nominate for the Select Board’s consideration one Planning Board member or other qualified person to serve as the Board’s representative to the Historic District Commission. The term of the appointment shall be for three (3) years (currently John Maiona, appointed in 2015).
- Nominate for the Select Board’s consideration one Planning Board member or other qualified person to serve as the Board’s representative to the Affordable Housing Trust. The term of the appointment shall be for three (3) years (currently Jim Brand, appointed in 2017).
- Nominate for consideration one Planning Board member or other qualified person to serve as the Board’s liaison to the Historical Commission. The term of the appointment shall be for three (3) years (currently Seth Meehan, appointed in 2018).

Regular Meetings:

Regular meetings of the Board are scheduled for the first and third Monday of each month in the Medfield Town House at 8:00 pm. Written notice of all Regular meetings is to be posted in Town Hall in accordance with the Open Meeting Law. At such meetings the Board shall consider all matters properly before the Board. A regular meeting or special meeting may be cancelled or rescheduled by the Chair. The Chair may also cancel a scheduled meeting up to three (3) hours prior to the time scheduled for that meeting due to circumstances beyond the Chair’s control.

All materials (i.e., revised plans, informal discussion information, etc.) to be considered by the Planning Board shall be submitted to the Planning Department no later than 12:00 pm on the Wednesday of the week prior to the meeting for inclusion on the agenda. The agenda for the meetings shall be filed with the Town Clerk and publicly posted in Town Hall at least 48 hours, not including Saturdays, Sundays or legal holidays, prior to such meetings.

The Planning Board may not hold a public hearing on any day on which a state or municipal election, caucus or primary is held in such city or town.

Special Meetings:

Special meetings of the Board may be called by the Chair. Written notice of all Special meetings is to be posted in Town Hall in accordance with the Open Meeting Law. The notice must contain the designated time, place and purpose of the meeting. Special meetings shall be held at reasonable hours and in publicly accessible places.

Preliminary Conference:

Town of Medfield encourages prospective Site Plan Approval applicants to schedule a preliminary conference with the Board prior to the filing of an application. All comments made by Board members are of an advisory nature only and are non-binding.

Applications for Site Plan Approval and Special Permits:

Any person desiring to apply for Site Plan Approval or a Special Permit by the Planning Board shall submit an application in writing to the Planning Board, with a copy to the Town Clerk. Each application shall contain the following information:

1. The full name and contact information of the applicant and the name of the proposed development.
2. The full name contact information of the record owner of the property concerning which the Application is sought, if different from the applicant.
3. If the applicant is other than the record owner of the property, the nature of the applicant's interest in the real estate (i.e. lease, option to purchase, etc.).
4. The street address, zoning district (including overlays), and Board of Assessors' map and lot number for the property concerning which approval is sought.
5. A summary of any construction or change which the applicant intends to make to the property if the approval is granted.

No Application shall be deemed to have been submitted to the Board until all the required forms, plans and fees have been received by the Board in the manner prescribed below:

- Original Application with original signatures and ten (10) copies of the Application and supporting documentation ("the Package"). The Package should be submitted to the Planning Department so as to be able to easily distributed to various department (as required by the zoning bylaw) and to the Board members.
- Full sized plan sets may be submitted as necessitated by the project size but the copies should be reduced to 11" x 17" for ease of distribution, copying, scanning, and storage.

- The Applicant shall provide a labeled electronic copy (pdf, flash drive, or other medium) of all materials with each submittal and re-submittal. An electronic copy of the final approved plan as recorded by the Registry shall also be provided prior to issuance of building permits.
- All applications shall be accompanied by the appropriate fee.

Once determined to be complete by the Planning Department the original Application with original signature(s) is brought to the Town Clerk's office and date stamped. The Clerk shall keep the original Application and the remaining ten (10) copies are to be given to the Planning Department.

All owners of record shall acknowledge the Planning Board application by signing the original Application or submitting a letter of authorization to act on behalf of property owner/owners.

Application forms are available in the Planning Department. No Application shall be deemed complete unless all required information and fee are included.

All posting, advertising and abutter notification shall be completed in accordance with applicable statutes.

Site Plan Form:

The Site Plan shall be prepared, stamped and signed by a Registered Land Surveyor if surveying information is shown, by a Registered Professional Engineer if the plan shows the design of road pavements, water pipes, sewerage or other utilities, and also by a Registered Landscape Architect for landscaping plans.

The Site Plan shall be clearly and legibly drawn at a scale of at least one inch equals 40 feet in black ink. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan at a scale agreed to by the Board. The index sheet shall also show utilities, and direction of drainage and sewer flow as established by the profile plans.

The Board will not be responsible for assuring the accuracy, correctness or thoroughness of any application submitted for review.

Site Plan Content:

1. A current site plan showing the boundary lines of the premises and the locations of structures thereon. The plot plan must be fully dimensioned and show current/existing conditions and proposed conditions (on separate sheets, if needed). The Site Plan shall show the following:
 - a) A locus plan showing the general location of the site in relation to all adjacent and nearby roads, railroads, waterways and utility easements.
 - b) Bearings and distances of all lot lines, names of all adjoining owners as found in the most recent tax list, and the location of easements and existing public or private ways nearest the site.
 - c) Zoning district(s) and any boundary of zoning district within the lot, along any lot line, or within any abutting property, including the Watershed Protection District, the Flood Plain District or the Aquifer Protection District as defined by the Zoning Bylaw.

- d) Topography for the entire site and adjacent land, when appropriate, at two-foot intervals with contours and principal elevations of significant existing and proposed features related to the Massachusetts Geodetic Datum of 1929, unless otherwise specified by the Planning Board.
- e) The location and height of all existing and proposed buildings and structures on the site, and the location of all adjacent structures within 200 feet of the site.
- f) Show a full schedule of required and provided dimensions on the plan set in accordance with the Zoning Bylaw. Zoning nonconformities may require approval by the Board of Appeals prior to Planning Board approval. Include the requirements of any Special Overlay Districts. Include setbacks between buildings when proposed.

MEASUREMENT (Refer to Article 2 , Definitions, for various methodologies in calculating requirements)	REQUIRED (Refer to Chapter 300b and Chapter 300c)	PROPOSED (Refer to your proposed site plan)
Lot area		
Frontage		
Lot Width		
Lot Depth		
Perfect Square		
Front Yard Setback		
Side Yard Setback		
Rear Yard Setback		
Floor Area Ratio <i>Use Medfield's methodology, not assessors' or realtors' calculation</i>	Allowed	
% Lot Coverage	Allowed	
Building Height		

- g) Parking lots, showing the following:
 - driveway entrances and exits designed for safe ingress and egress, including directory signs if any
 - layout of parking spaces and aisles, pedestrian walks and required ramps
 - service areas
 - representative cross sections of all proposed parking areas and driveways

Subsection g (above) shall be in accordance with Section 8 of the Zoning Bylaw and with The Land Subdivision Rules and Regulations of the Town of Medfield, where applicable.
- h) All existing and proposed landscape features such as fences, walls, planting areas and walks. Planting details shall include a schedule of species, height of species, and spacing of plantings and shall be shown at sufficient scale to illustrate clearly the landscaping design. Plans for walks, walls, and fences shall include dimensions and finishes.
 - i. Landscape design shall give preference to the preservation of existing healthy trees, shrubs and groundcover. Indicate existing 4” caliper trees on the existing conditions plan.

- ii. Deciduous trees shall be at least three (3") inches in caliper as measured twelve (12") inches above the root ball at time of planting.
 - iii. When choosing and installing trees, smaller varieties shall be planted under utility lines and interference with underground utilities shall be avoided.
 - iv. Groundcover plantings are preferable to mulch where practical. Plantings with lower requirements for irrigation, fertilizing and pesticide use are encouraged. Native species are preferable where practical. Noxious and invasive species shall not be planted.
 - v. All plantings shall be guaranteed for one year. Trees and shrubs that die shall be replanted during the next growing season.
- i) All facilities for water supply and distribution, fire protections, and prevention of air pollution.
 - j) Site lighting plan, including type, actual height, wattage and foot-candle output of lighting devices, area of illumination, and base mounting detail.
 - i. Access ways, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons.
 - ii. Any luminaires with a lamp or lamps rated at a total of more than 2,000 lumens shall be of a fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.
 - iii. All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
 - iv. Energy-efficient lighting is encouraged.
 - v. Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting, which may include colored lamps, such as holiday lighting.
 - vi. All exterior LED lamps should have a Correlated Color temperature (CCT) value of 3000K or below.
 - k) All service facilities for sewerage, garbage collection, recycling containers, refrigeration units, mechanical and other utility areas and other waste disposal facilities, in accordance with Town and other requirements. Service facilities shall be screened around their perimeters (provide detail). Screening may consist of fencing and/ or natural vegetation. The screening shall have an effective height and width to block said service facility from public view, both from within the site and from adjacent properties.
 - l) All drainage facilities for stormwater drainage and snow-melt runoff from all impervious surfaces on the site, accompanied by a drainage design analysis based on the criteria of Section 5.2.3 of the Land Subdivision Rules and Regulations. The analysis shall take into account the entire watershed area contributory to the site, if deemed necessary by the Board. Coordination with the Board of Health is highly encouraged to avoid conflict in regulations or duplication of consultant review.
 - m) The entire watershed area contributory to the site shall be shown on a separate sheet and at a reduced scale, if appropriate.
 - n) A plan for the control of erosion and siltation.
 - o) Signature blocks for Planning Board
2. Floor plans and elevations showing scale, existing and any proposed construction, alterations or renovation of the premises for which approval is sought.

3. If the proposed use contemplates removal or disturbance of any earth, topographical plans of the property shall be furnished which show existing and finished ground contours at two-foot intervals. Spot elevations at key points and significant structures (high and low points, ADA grades, top of wall, corners of buildings, etc.).
4. Any other information deemed necessary by the Board to evaluate the safety and efficacy of a proposed development (e.g. traffic impact study or environmental impact study).
5. Construction Management Plan
 - i. A plan of the site that is marked up with pertinent info (items 2-10 below)
 - ii. Truck and equipment access points and wash racks to prevent dust and dirt from going into the street
 - iii. Any temporary fencing or protection to keep the site safe
 - iv. Hours of operations
 - v. Sediment and runoff controls during construction
 - vi. Materials staging area
 - vii. Any sequence or phasing of the work on site
 - viii. Identify any street utility connections and required street patching
 - ix. Indicate any safety measures that need to be in place to ensure pedestrians have access to sidewalks.
 - x. Emergency contact info for builder/developer
 - xi. Parking restrictions
 - xii. Any other items that abutters may bring up during open meetings, etc.
6. Upon receipt of an application by the Planning Board, the Assessors shall supply and certify a list of all owners of land as required by applicable statute and as they appear on the most recent tax list. For projects near town boundaries, abutters in another town must also be notified. Town Staff will coordinate with the other Town and the Applicant shall be required to pay all associated costs directly to the other Town. The Planning Board will notify the Planning Boards of all abutting towns, as required by statute. Names and addresses shall be as they appear on the most recent applicable tax lists.

The Planning Board reserves the right to refuse to entertain applications not in substantial compliance with these Rules.

Plan Revisions:

All plan revisions shall be submitted to the Board with sufficient time for peer engineering review and response (if required) and Board review and accompanied by a narrative outline all plan changes and rationale. Plan revisions should be noted by a bubble notation cloud. Continuance dates will be coordinated with enough time for the changes to be made and submitted to the Board and review engineer, one week for the review engineer to provide memo to Board by the Wednesday preceding the hearing date.

Waivers:

All waivers must be requested in writing and be properly noticed. If an Application is filed under statutes with waiver provisions (Subdivision Control Act, Two-Family Special Permit), waivers shall be recorded and voted upon by the Members in an open public meeting.

Planning Board Site Visits:

Prior to the opening of a public hearing, Planning Board members, associates, and staff should conduct site visits individually. Members should familiarize themselves with the proposed work location. They should introduce themselves to the property owner if they are to enter the property. Board members are strongly encouraged to do a “windshield survey” of the neighborhood to ascertain characteristics of same.

Formal Planning Board site visits are arranged at a public meeting and are open to the public for the purpose of assisting the Board members and other interested parties to become familiar with the property involved in the application. Board members and other interested parties may, through the Chairman, ask questions about, and the applicant may point out, site details pertaining to the application, such as boundaries, contours, proposed buffers, driveways, etc. No other testimony will be taken, and no other discussion should occur. No minutes are taken.

As-Built Drawings:

Upon completion of the project, the Professional Engineer shall provide an as-built drawing delivered to the Board and to the Building Commissioner showing plan conformance and adherence to conditions of approval.

Scenic Roads:

The following streets have been accepted by Town Meeting as Scenic Roads in accordance with the Scenic Road Act, [MGL Ch. 40, Sec. 15C](#).

Causeway Street	1974
Foundry Street	1974
Hartford Street	2004
Noon Hill Street	1974
North Street (Harding Street to the Dover line)	2004
Orchard Street	1980
Philip Street	2004
Pine Street (Cedar Lane to the Dover line)	1980
School Street	2004
Wight Street	1975

Two Massachusetts laws – [MGL Ch. 87](#) (Shade Tree Act) and [MGL Ch. 40, Sec. 15C](#) (Scenic Roads Act) – create overlapping responsibilities for the Tree Warden and the Planning Board in Medfield. The Shade Tree Act gives the Tree Warden jurisdiction over the planting or removal of any public shade trees in a public way or, in some circumstances, on public property. In response to a proposal to remove public shade trees, the Tree Warden schedules a public hearing to solicit public input. Following the public hearing, the Warden decides whether or not the trees can be removed and, if so, whether conditions will be attached to that removal (planting new trees, for instance).

The Scenic Roads Act, on the other hand, gives Planning Boards jurisdiction over the removal of any public shade trees or existing stone walls in a public way designated as a Scenic Road. The purpose of the Act is to protect the character of historic local roads by preventing the removal of key features-significant public shade trees and historic stone walls. To accomplish this, the Act requires that any proposal to remove public shade trees or stone walls must undergo a Planning Board public hearing to solicit public input, that the Board must then decide whether or not to allow the removal of the features, and, if so, to determine whether any conditions should be attached if removals are allowed.

Whenever there is a proposal to remove public shade trees on a Scenic Road, these two responsibilities overlap, and state law requires that a joint Planning Board/Tree Warden public hearing be held. The Planning Board and the Tree Warden hear public input and then try to reach agreement on how to respond to the request. The public hearing process is the same as with any other permit application, and in some cases, the Tree Warden will be present to also provide information, receive public testimony, and be involved in the deliberations prior to reaching a decision. If a mutually-agreeable decision can be reached, then the matter is concluded.

Inclusionary Zoning and Affordable Housing:

The Town adopted Inclusionary Zoning, §300-14.16. of the Medfield Zoning Bylaw at the 2017 Annual Town Meeting. The regulation applies to all multi-family residential development proposals containing six (6) or more dwelling units. The following guidelines shall be used by the Planning Board in their review of all proposals containing Affordable Housing units to be included on the Subsidized Housing Inventory (SHI) maintained by the Department of Housing and Community Development (DHCD), inclusive of Local Action Units (LAU) created through a Local Initiative Program (LIP), affordable housing units created under a Comprehensive Permit (Chapter 40B), and any other units eligible for inclusion. These guidelines are established by the DHCD and may periodically be updated; in the event of a conflict between the provisions of these Rules and Regulations and the provisions of the Massachusetts Zoning Act, DHCD regulations, and the Town of Medfield Zoning Bylaw, the provisions of the Massachusetts Zoning Act and DCHD regulations shall apply.

Inclusionary Zoning Guidelines:

1. As a condition of approval for a Special Permit, at least twenty (20) percent of the total number of bedrooms within a development shall be located within affordable units. A fractional bedroom count of 0.5 or more shall be rounded up to the next whole unit.
2. As a condition for the granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development.
3. Siting of affordable units: All affordable units constructed or rehabilitated shall be dispersed throughout a development and not isolated to one floor, area, or individual building within a development. Affordable units shall be situated so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities such as open space or parking, as the market-rate units.
4. Minimum design and construction standards of for affordable units: Affordable units shall be

indistinguishable from market rate units in external appearance.

- a. Affordable units shall have the same finishes, mechanical systems, and appliances as the market rate units except where the Planning Board specifically approves, in advance, a request for different finishes, systems, or appliances.
- b. All affordable units shall meet minimum units sizes as established by DCHD (as may be amended from time to time):

Unit Type	Minimum Requirements*
1 Bedroom	700 s.f./ 1 bath
2 Bedroom	900 s.f./ 1 bath
3 Bedroom	1,100 s.f./ 1& 1/2 baths
4 Bedroom	1,400 s.f./ 2 baths

**All bedrooms must be at least 100 s.f.*

In projects involving the restoration or rehabilitation of a Historic Structure, where neither the market rate nor affordable units meet the minimums established by DHCD, the affordable units shall contain square footage which is no less than the average size of market rate units containing the same number of bedrooms.

- 5. Project phasing: Projects shall not be segmented or phased to avoid compliance with these provisions. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units; however, in no event shall buildings containing only market rate units be constructed prior to the commencement of construction of at least twenty (20) percent of the required affordable units within a development.
- 6. Marketing plan: Applicants must submit an Affirmative Fair Housing Marketing and Resident Selection Plan, as required by DHCD, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants, and must be approved by the Town Administrator or designee.
- 7. Deed Restrictions: All developments with affordable units shall provide deed restrictions on the units for a minimum of 35 years. The deed restriction shall be consistent with riders prepared by the DHCD, and shall grant the Town the right of first refusal to purchase any ownership units in the event that a qualified purchaser cannot be located. In addition, no certificate of occupancy permit shall be granted for any development containing affordable units prior to the recording of the deed restriction at the Registry of Deeds.

Public Hearings:

All hearings and meetings of the Planning Board shall be open to the public except as may be determined by the Board in accordance with the provisions of the Massachusetts Open Meeting Law. No person shall be excluded from a meeting or public hearing unless he or she is considered by the Chair to be a “serious hindrance” to the workings of the board.

An applicant may appear in his/her 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.

Following close of a hearing, there will be no communication, written, verbal or otherwise, with the Board until such time as a decision has been rendered, unless it has been established in writing that the hearing will remain open for additional information for a specified length of time.

Executive Session:

For reasons specified in MGL Chapter 39 Section 23B, the Board may enter Executive Session subject to the following procedures:

1. The session must be convened in an open meeting and notice given
2. Chair announces the purpose of Executive Session
3. Majority must vote in recorded roll call for Executive Session
4. Chair announces whether the meeting will reconvene in open session
5. Votes taken in Executive Session must be recorded roll call votes

Hearing Procedure:

The Chair shall call the meeting to order when a quorum is present. Public Hearings are held in accordance with the timing prescribed by statute and at the date and time advertised. Prior to opening a new Public Hearing the Chair will confirm that proper posting, advertising and abutter notification has been completed as well as inquire whether any Board members, staff, or others need to recuse themselves from participating in the hearing or make disclosures at that time regarding potential or perceived conflicts of interest. The legal notice is read into the record and the applicant or agent shall present their case. In the event that neither an applicant nor Applicant's representative is present at the hearing, the Board shall grant a continuance to the following regular meeting.

The Chair shall preside and the following rules shall apply, including but not limited to the following:

- a. All persons must be recognized by the Chair before speaking;
- b. Speakers must begin by identifying themselves by name, address, and any pertinent affiliations;
- c. All questions/comments/remarks should be directed to the Chair, and not to the applicant, other speakers, staff, or others;
- d. Presenters and speakers are expected to be brief and to the point—the Chair shall determine time limits for individual presentations if necessary, to ensure that all citizens and Board members have the opportunity to speak; and,
- e. Speakers should focus on asking new questions or providing new information, and avoid repeating previous remarks.

The Chair shall open the hearing at the advertised time in the specified meeting place, and proceed in the following order:

- a. The Vice Chair will read the notice of hearing as published
- b. The Applicant or representative shall present their case to the board
- c. Questions and comments from the Planning Board
- d. Questions and comments from representatives of other Town boards and Town officials

- e. Questions and comments from abutters to the property
- f. Questions and comments from other interested parties
- g. Responses from the Applicant
- h. The Chair shall close the public hearing
- i. The Board will discuss the Application
- j. The Clerk is responsible for providing motions for the Board's consideration

Any person who favors, objects or questions any Application shall have the right to speak, at the discretion of the Chair after petitioner completes presentation. The Chair will ask for the names and addresses of all persons making public comment.

A motion to continue a hearing to another meeting may be requested by the Applicant or by a member of the Planning Board the continuance shall be made to a date and time certain.

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

Findings:

The Board shall make Findings of Fact as necessary to support its decision to either Approve, Approve with Conditions or Deny an Application. Minimum findings should include site information, zoning compliance, compliance with applicable decision criteria and others pertinent facts deemed necessary to support a final decision. The findings shall be recorded and voted upon by the Members in an open public meeting.

Decision:

Based upon the Findings of Fact, a motion shall be made (and seconded) by a Member making an ultimate finding on the Application to Approve, Approve with Conditions or Deny an application.

All special permit and site plan approval decisions shall be recorded at the Norfolk County Registry of Deeds at the expense of the applicant

The Mullin Rule:

The Mullin Rule MGL ch 39 was adopted by Town Meeting on April 30, 2007. Under the provisions of MGL Ch. 39, Section 23D, the conduct of public hearings held by the Planning Board shall be as follows:

- 1) A member of the Planning Board involved in an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. To be eligible to vote, the member shall certify in writing that they have examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

2) The Planning Board hereby adopts the following minimum additional requirements for attendance at scheduled hearings under this section:

- a) The provisions of this regulation shall only apply to members participating in adjudicatory hearings which take place over a period of two or more sessions conducted at public meetings. Board members shall not have access to this provision for public hearings lasting only a single session.
- b) No Board member absent from the initial session of an adjudicatory hearing shall thereafter be eligible to vote on the application or matter under consideration. The provisions of this regulation shall only be available to Board members who are absent from a single session (but not the first) of a multi-session public hearing

De Minimis Changes

De-minimis change to an approved site plan or special permit will be reviewed by the Building Commissioner in consultation with the Town Planner. Revisions may only be considered *de minimis* upon making the following determinations:

- Changes would not contravene the legal notice, any finding, or condition of the Board in the original approval;
- Changes would not detrimentally impact matters of substance identified in meeting minutes of original hearings;
- Changes would not alter the character of the development;
- Changes would be so insignificant as not to be noticeable to persons generally familiar with the original approval.
- Changes are not applicable to Site Plan Approval or Special Permit thresholds.

Such *de-minimis* changes shall be documented in the Planning Board case file. Revisions that are not *de-minimis* will require an application filing and public hearing for modification of the project.

Quorum and Voting:

Subdivision Control Act – MGL Chapter 41

- Quorum: Three (3) members shall constitute a quorum for acting on applications made under the Subdivision Control Act including: Approval Not Required (ANR) Plans, Preliminary Subdivisions, Definitive Subdivisions, Subdivision Modifications, Amendments or Rescissions. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.
- Vote: Section 81L requires a “majority of the members” of the Board must provide signatures in order for there to be proper certification or endorsement of a plan. The majority number of the five (5) Members or minimum three (3) affirmatives votes is required for approval.

Site Plan Approval – Medfield Zoning Bylaws §300-14.12

- **Quorum:** Three (3) members of the Board shall constitute a quorum of the Planning Board for acting upon a request for Site Plan Approval or Special Permit. However, if less than five (5) Members are available for a Public Hearing an Associate Member may be requested by the Chair to act as a Member on an Application to constitute as full a Board as possible.
- **Vote:** If necessary, three (3) Members may constitute the Board in hearing and deciding on a Site Plan Approval request, provided the Applicant is in agreement. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

An Associate Member may be requested by the Chair to fulfill the voting requirements of the Board when a voting Member is absent or unable to serve on a continued Case, provided the Alternate Member was present during all of the Public Hearing and deliberations on that particular appeal.

Special Permit – MGL Chapter 40A – Section 9 and Medfield Zoning Bylaws §300-14.15

- **Quorum:** Four (4) members of the Board shall constitute a quorum of the Planning Board for acting on applications made under the Planning Board’s special permit sections of the zoning bylaw. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.
- **Vote:** The concurring vote of a supermajority of the sitting members present of the Board participating and voting shall be required for any decision on a special permit application (abstaining members being considered not to be voting).

An Associate Member may be requested by the Chair to fulfill the voting requirements of the Board when a voting Member is absent on a continued Case, provided the Alternate Member was present during all of the Public Hearing and deliberations on that particular appeal.

Timing:

The Board shall follow the hearing, noticing, and decision timelines as required by applicable state statute.

Fees:

Application Fees:

Preliminary Conference	Informal review of project	No fee
Change of Use Determination	Planning Board determination whether a proposed nonresidential use is substantially different from the existing nonresidential use.	No fee
Scenic Roads	Removal of trees and stone walls in the public way	\$100
Site Plan Approval	Non-Profit Uses, Exempt Uses (under MGL Ch 40A §3)	\$500
	Other Non-Residential Uses	\$3,000 (up to 2 acres total lot size)
		\$500 per additional acre of land disturbance

		over 2 acres, plus 25' limit of work; not to exceed total lot size)
Special Permit	Two-Family Residential	\$1,000
	Multi-Family Residential	\$500 per unit
Subdivisions of Land	Approval Not Required (ANR)	\$250 for each additional lot meeting the requirements of §300-6.2 of the bylaw \$100 for each additional lot or parcel that does not meet the requirements of § 300-6.2 of the bylaw (i.e. \$250 per each new buildable lot shown on the plan, plus \$100 for each unbuildable parcel shown on the plan)
	Preliminary Subdivision Plan	\$1,500 for submission \$500 for each proposed lot
	Definitive Subdivision Plan	\$3,000 for submission less amount paid for preliminary plan \$1,500 for each proposed lot less amount paid for preliminary
Third-Party Review Fees	Applicants will be charged for the Board's actual cost of independent professional services for inspection and engineering and legal consultation.	1 to 10 lots Deposit of \$10,000 11 + lots Deposit of \$15,000 Special Permits or Site Plan Approval Deposit of \$8,000

Consultant Review Fees:

In accordance with M.G.L. Chapter 44, Section 53G, the Planning Board may impose project review fees for those applications which require the services of outside consultants for the review process due to the size, complexity, or scale of a proposed project; the need for additional expertise in the review; or because of the potential impacts of a project. The Board may engage engineers, planners, landscape architects, architects or other appropriate professionals. The general process is as follows:

- Upon receipt of a complete application package, the Town Planner will forward the project to the Board's preselected consultant for a scope and estimate.
- The applicant shall pay such fees to the Town of Medfield and such fees shall be deposited in a special interest bearing account with the Town.
- If additional funds are needed in the fee account, the Planning Board will obtain an estimate from the consultant as to the amount necessary for completion of the remaining review(s). Said amount is to be paid by the developer prior to any further work being done by the consultant.
- If requested, the Town Planner will provide the applicant with established billing rates for engineering and legal services.

Expenditure of Fees

Outside consultants retained by the Planning Board shall be paid from this special account. The expenditure of said fees shall be at the direction of the Planning Board, without further appropriation. Said fees are to be expended only in connection with services rendered for the specific project for which the fees were collected.

Excess Fees

After completion of the Planning Board's review of a project, any excess fee amount, including interest, shall be refunded to the applicant or the applicant's successor in interest and a final report of said account shall be made available to the applicant or applicant's successor in interest.

Failure to Pay Fee

Failure to pay a Review Fee by the applicant shall be grounds for disapproval of the subject application or the withholding of a building permit, inspection(s) or occupancy.

Administrative Appeals

The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Select Board by the applicant, provided such appeal is initiated within one week of submittal. The ground for such appeal shall be limited to claims that the selected consultant has a conflict of interest and the Board (at a posted meeting) may select a consultant that has been previously interviewed by the Board during its solicitation process.

The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of an administrative appeal, the selection made by the Planning Board shall stand.

Reports

The Town Treasurer shall submit annually a report of said special account to the Select Board and Town Administrator.

The Town Treasurer shall cause said report to be published in the annual report the Town. The Town Treasurer shall submit annually a copy of said report to the director of the Bureau of Accounts.

Withdrawals of Application:

Withdrawals are permitted prior to submission of the legal notice to the newspaper. Once the Advertisement has been submitted, the Applicant may request a withdrawal of the Application which the Board must vote on. A withdrawal without prejudice means that an application may be resubmitted within two years notwithstanding the requirements of MGL c. 40A §16, Repetitive Petitions.

Annual Report:

During December of each year, the Chair shall draft and submit to the Select Board an Annual Report for the activities of the preceding year. The Annual Report shall highlight the activities of the Board in a general manner and cite general trends. It shall give a summary in statistical format of the Board's activities and decisions.

Validity:

In the event of a conflict between the provisions of these Rules and Regulations and the provisions of the Massachusetts Zoning Act and the Town of Medfield Zoning Bylaw, the provisions of the Massachusetts Zoning Act and the Town of Medfield Zoning Bylaw shall apply.

Policies of the Planning Board:

Attached as appendices are the following policies adopted by the Medfield Planning Board:

- Road Acceptances (*forthcoming*)
- Downtown Sidewalk Design Guidelines Endorsed by the Planning Board on 10-20-14

Policies may be added to this document from time-to-time as they are approved by the Board without requiring amendment to the document.

Administration:

Adoption

These Rules and Regulations were duly adopted on September 12, 1988 by the Medfield Planning Board.

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.

Revised to: August 29, 2012

These Rules and Regulations are hereby amended on January 8, 2018 by the Medfield Planning Board.

Published in the Medfield Press: September 15, 2017 & September 22, 2017

Public Hearing: Opened October 2, 2017 and continued to November 6, 2017, December 4, 2017, and January 8, 2018.

Date Filed with Town Clerk: January 10, 2018

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MEDFIELD PLANNING BOARD

Paul McKechnie, Chair (*term expires 2019*)
 George Lester, Vice, Chair (*term expires 2020*)
 Sarah Lemke, Clerk (*term expires 2021*)
 Teresa James, Member (*term expires 2022*)

Gregory Sullivan, Member (*term expires 2018*)
 James Brand, Associate Member (*annual appointment*)
 Seth Meehan, Associate Member (*annual appointment*)