



**PROCEDURAL  
RULES AND REGULATIONS  
GOVERNING THE  
PLANNING BOARD**

**TOWN OF  
PRINCETON, MASSACHUSETTS**

*ADOPTED – January 21, 2009*

# TABLE OF CONTENTS

Section I. Introduction .....	3
Section II. Organization .....	3
1. Members and Officers .....	3
2. The Chairman .....	4
3. Vice Chairman .....	4
4. Clerk .....	4
5. Central Massachusetts Regional Planning Commission (CMRPC) Representative .....	4
6. Quorum .....	4
7. Meetings .....	4
Section III. "Approval Not Required" Plans .....	5
1. Governing Laws .....	5
2. Submission .....	6
3. Period for Action .....	6
4. Processing and Voting Requirements .....	6
5. Hearing .....	6
6. Filing .....	7
7. Appeals .....	7
Section IV. Subdivision Plans .....	7
1. Governing Laws .....	7
2. Submission and Processing .....	7
3. Period for Action .....	7
4. Hearing .....	7
Section V. Special Permits .....	8
1. Governing Laws .....	8
2. Submission .....	8
3. Period for Action .....	9
4. Processing .....	9
5. Hearing .....	9
6. Voting Requirements .....	9
7. Contents of Decision and Notice of Decision .....	10
8. Filing .....	10
9. Appeals .....	10
10. Effective Conditions .....	10
11. Withdrawal .....	11
Section VI. Site Plan Review .....	11
1. Governing Laws .....	11
2. Criteria .....	11
3. Submission .....	11
4. Period for Action .....	12
5. Processing .....	12
6. Hearing .....	12
7. Voting Requirements .....	13
8. Filing of Decision .....	13
9. Time Limits and Appeals .....	13
10. Enforcement: .....	13
Section VII. Plans for Site Plan Review .....	13
1. Planning Board Consultation .....	13
2. Plan Requirements .....	13
Section VIII. Zoning By-law Amendment .....	17
1. General Information .....	17
2. Origination .....	17
3. Steps Required to Ensure Legal Acceptance .....	17
4. Effective Date .....	19
Section IX. Hearings .....	20
1. Notice .....	20
2. Hearing to be Public .....	20
3. Representation and Absence .....	20
4. Order of Business .....	20
5. Clarifications and Additional Material .....	20
Section X. Policies and Advice .....	21
Section XI. Adoption .....	21

## Section I. Introduction

These procedural rules and regulations govern the operation of the Planning Board and prescribe the procedures for submitting plans and petitions to the Board. They are intended to serve the general public and to educate new Board members by describing the Board's powers, duties and mode of operation.

The Planning Board was established pursuant to the Subdivision Control Law, Massachusetts General Law Chapter 41 Section 81A et seq. Its powers and duties are set forth therein. Additional responsibilities are set forth in The Zoning Act, MGL c. 40A, and in the Princeton Zoning By-law. This document is not intended to supersede any of the above laws.

This document specifies the Board's organization and describes procedures for the most frequent functions performed by the Board:

- Endorsing "Approval Not Required" (ANR) plans;
- Approving subdivisions;
- Granting Special Permits;
- Reviewing Site Plans;
- Amending the Zoning By-law

### Consult with Planning Board

The Board is available for consultation to help ensure that the application and plans will contain such information as the Board requires to make its decision.

### Definitions

For the purpose of These Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in the Princeton Zoning By-Law shall have the meaning given therein. The following other terms and words shall have the following meaning:

1. Applicant – Either the owner of the land stated in the application or all the owners where title is held jointly, in common, or in tenancy by the entirety including corporations. An agency, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in form of a list of its officers and designated authority to sign legal documents shall be required for a corporation.
2. Board – The Planning Board of the Town of Princeton, MA.
3. Subdivision – See Subdivision Rules and Regulations, Town of Princeton, MA.
4. Special Permit – Zoning Bylaws may provide for specific types of uses, which shall only be permitted upon the issuance of a special permit. Permits may impose conditions, safeguards and limitations on time or use.
5. Zoning Enforcement – Zoning enforcement is the responsibility of the Zoning Enforcement Officer.
6. The use of the masculine gender shall be construed as a reference to a person of either sex.

## Section II. Organization

### 1. Members and Officers

The Planning Board shall consist of five members elected pursuant to Chapter VIII.1.B. of the Town of Princeton By-Laws. The Planning Board, when acting as the Special Permit Granting Authority shall also have one (1) Associate Member. The Board of

Selectmen and Planning Board shall appoint the Associate Member for a period of one (1) year. The members of the Board shall annually elect from themselves all officers of the Planning Board to include a Chairman, Vice Chairman, Clerk, and delegate to the Central Massachusetts Planning Commission (CMRPC).

**2. The Chairman**

The Chairman shall vote and be recorded on all matters coming before the Board. Subject to these rules, he shall decide all points of order, unless overruled by a majority of the Board in session at the time. He shall appoint such committees as may be found necessary or desirable. The Chairman may, subject to appropriation, employ experts and clerical and other assistants.

In addition to the powers granted by the General Laws of the Commonwealth of Massachusetts and the Zoning By-law of the Town of Princeton, and subject to these rules and further instructions of the Board, the Chairman shall transact the official business of the Board and supervise the work of the Administrative Assistant. The Chairman may call upon an Associate Member to sit on the Board for the purpose of acting on a Special Permit Application in the case of absence, an 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. The Chairman shall at each meeting report the official transactions that have not otherwise come to the attention of the Board.

**3. Vice Chairman**

The Vice Chairman shall act as Chairman if the Chairman is absent, disabled or otherwise unable to perform his duties. If both the Chairman and the Vice Chairman are absent, the Clerk shall act as the Chairman and appoint an acting Clerk.

**4. Clerk**

The Clerk shall keep a record of all hearings and meetings of the Planning Board. If the Clerk is not present at any such meeting or hearing, a temporary Clerk shall be appointed to perform the duties of the Clerk at such meeting or hearing. The Clerk or the Chairman may delegate to the Board's administrative assistant, the responsibility of keeping the records of the meetings.

**5. Central Massachusetts Regional Planning Commission (CMRPC) Representative**

The CMRPC Representative shall attend meetings of the same as the representative of the Town of Princeton. The CMRPC representative shall keep the Board informed of the actions and programs of the CMRPC which have an effect on the Town of Princeton.

**6. Quorum**

Three members shall constitute a quorum for normal business. The quorum requirement for special permits is discussed in section V.6.

**7. Meetings**

All meetings – both regular and special – shall be open to the public in accordance with MGL c. 39 §23A-24 unless the Board votes to go into executive session. Unless an emergency exists, a notice of each Board meeting shall be filed with the Town Clerk, and a notice or a copy thereof shall be publicly posted in the office of said Clerk or on the principal or official bulletin board in the Town Hall at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to such meetings.

All decisions and votes taken by the Board shall take place at meetings.

All meetings are open to the public. However, not all meetings are “public hearings.” The Board will seek information or testimony, as it deems necessary. The Chairman may rule unsolicited comments from the public out of order.

Where possible, a draft of the meeting’s minutes shall be transmitted to the Board members for their review within a reasonable amount of time after the meeting.

**Regular Meetings**

Regular meetings of the Planning Board are normally held at 7.30 pm on the first and third Wednesday of the month at the Town Hall. If a regular meeting day falls on a holiday or any day of national, state, or municipal election or caucus or primary or is in conflict with session of town meeting, the regular meeting will be cancelled and instead a special meeting will be held at some proximate time.

The Chairman, or his designate shall draw up the agenda for regular meetings. The Board may entertain items not placed on the agenda under the category “other business”.

**Special Meetings**

Special meetings may be called by the Chairman, or at least two members. Notice – either written or verbal – thereof shall be given to each member at least 48 hours before the time set, or notice at any meeting attended by all members shall suffice. A notice shall be filed with the Town Clerk, and a notice or a copy thereof shall be publicly posted in the office of said Clerk or on the principal or official bulletin board in the Town Hall at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to such meetings.

**Executive Sessions**

The Chairman or at least two (2) members may call an Executive Session. Executive Sessions may be held for the purposes to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position; or to consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position; as well as other purposes (MGL c. 39 §9G).

**Section III. “Approval Not Required” Plans**

There are plans that do not require approval under the Subdivision Control Law because they do not show a “subdivision”, as defined in MGL c. 41 §81L. Any person wishing to record such an “Approval Not Required” (ANR) plan can submit it to the Planning Board and, if the Board agrees that approval is not required, it must “forthwith, without a public hearing” endorse it, thus allowing it to be recorded at the Registry of Deeds.

For plans requiring approval under the Subdivision Control Law, see Section IV.

**1. Governing Laws**

The law governing “Approval Not Required” (ANR) plans is MGL c.41 §81P.

Also, see Section 1 of the Town of Princeton Subdivision Rules and Regulations.

## **2. Submission**

### **Consult with Planning Board**

Prior to preparing an ANR plan, an applicant is encouraged to consult informally with the Planning Board to help ensure that the plans will contain such information as the Board requires to make its decision.

### **Prepare Plans**

Plans must be prepared in accordance with Section III. A. 1 of the Subdivision Rules and Regulations.

### **File with the Town Clerk and Planning Board**

For the Town to act on the applicant's ANR plan in a timely manner, the applicant must file the following information with the Town Clerk and Planning Board.

- Four (4) copies of Form A (Appendix D).
- One (1) copy of all plans and any supporting documents.

The Town Clerk shall certify the date and time of filing on the copies of Form A and return three (3) copies to the applicant.

The applicant shall forthwith submit the following materials to the Planning Board:

- The three (3) copies of Form A certified by the Town Clerk
- A fee as indicated in Appendix A.
- One (1) Mylar original and three paper copies of all plans.
- One (1) copy of any supporting documents

## **3. Period for Action**

From the day an applicant files an ANR plan with the Town Clerk and Board, the Board has 21 days to act. Failure to act means the plan is endorsed by default, a so-called "constructive" endorsement.

The Board may reject an ANR plan if it feels that the application is incomplete or the plan is not entitled to endorsement.

## **4. Processing and Voting Requirements**

The Board will review the plan to determine whether an ANR endorsement is warranted.

A quorum of three (3) members of the Board must be present. A majority of the quorum is necessary to endorse an ANR plan.

At the Board's discretion the fee may be waived.

## **5. Hearing**

A public hearing is not required for ANR plans.

## **6. Filing**

If the Board determines the plan does not require review under the Subdivision Control Law, a majority of the Board shall sign and date the Mylar original and three (3) paper copies. The applicant retains the Mylar and records it at the Registry of Deeds.

The Board files one (1) copy of the plan and distributes copies to the Board of Assessors and the Town Clerk. The Board does not issue a notification of approval; the signed plan suffices.

If the Board determines the plan does require review under the subdivision control law, the Clerk of the Board shall notify the Town Clerk in writing, citing the reason, and transmit a copy of this decision to the applicant, and place a copy in the Board's files. Section IV discusses the procedure for approving plans under the Subdivision Control Law.

## **7. Appeals**

If the Board determines that an ANR endorsement is not warranted, the applicant may amend the ANR plan and submit a new application to obtain the Planning Board's endorsement or may appeal the Board's decision in accordance with the Subdivision Control Law.

# **Section IV. Subdivision Plans**

The Subdivision Control Law empowers the Planning Board to regulate the laying out and construction of ways in subdivisions, providing access to the lots therein, and ensuring sanitary conditions, and parks and open areas.

## **1. Governing Laws**

Subdivisions in Princeton are governed by MGL c. 41 §81K et seq. and the Town of Princeton Subdivision Rules and Regulations. These procedural rules do not, in any way, supercede said Subdivision Rules and Regulations and in the case of conflict, the Subdivision Rules & Regulations control.

## **2. Submission and Processing**

See Section III of the Subdivision Rules and Regulations for details.

## **3. Period for Action**

From the day an applicant files an application with the Town Clerk, the Board has:

- Forty-five (45) days to act on a preliminary subdivision plan
- Ninety (90) days to act on a definitive subdivision plan if a preliminary plan was approved,
- One Hundred, thirty-five (135) days to act on a definitive subdivision plan if no preliminary plan was approved.

## **4. Hearing**

Before the Board can approve, modify, or reject a definitive subdivision plan, it must hold a public hearing as described in Section IX.

## **Section V. Special Permits**

These rules and regulations apply to all special permit proceedings before the Planning Board including, without limitation, those pertaining to OSRD developments and Backlot developments under Sections XIV and XV and those pertaining to Telecommunications facilities under Section XIII of the Zoning Bylaws of Princeton.

### **1. Governing Laws**

Special Permits in Princeton are governed by MGL c. 40A §9 and the Zoning Bylaws of Princeton, as amended from time to time.

### **2. Submission**

#### **Consult with Planning Board**

Prior to submitting a special permit application, the Board recommends an informal preliminary consultation with the Board to help ensure that the application will contain such information as the Board may deem necessary to make its decision.

#### **Plan Preparation**

Plans, drawings and maps must be prepared in accordance with the relevant Sections of the Zoning By-Law and Section VII of these Rules & Regulations. OSRD developments that require approval under the Subdivision Control Law must also comply with submission requirements under that bylaw.

#### **Submission with Town Clerk and Planning Board**

For the Town to act on a special permit application in a timely manner, the applicant must file the following information with the Town Clerk or Planning Board.

The applicant must first submit the following materials::

- Two (2) copies of the Special Permit Application Form (Appendix B).
- One (1) copy of all plans and supporting documentation.

The Town Clerk shall certify the date and times of filing on the application forms, and return one copy of the form to the applicant.

The applicant shall forthwith submit the following materials to the Planning Board.

- The special Permit Application Form certified by the Town Clerk.
- The fee as indicated in Appendix A.
- Seven (7) copies of all plans and supporting documentation. In certain cases the number of copies may be reduced after consulting with the Board.
- The names and addresses of the parties in interest on a form furnished by the Board of Assessors. Parties of interest include
  - a. The petitioner
  - b. Direct Abutters
  - c. Owners of land directly opposite on any public or private street or way
  - d. Abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list.
  - e. The Planning Board
  - f. The planning boards of the six abutting communities including Leominster, Sterling, Holden, Rutland, Hubbardston and Westminster.
  - g. In special permit applications pertaining to accessory apartments, the Princeton Historical Commission.

The Board of Assessors must certify the names and addresses of the property owners taken from the tax list.

- Two (2) sets of unstamped envelopes addressed to the parties in interest showing, as a return address, the Princeton Planning Board. The first set is used to notify them of the public hearing, and the second set is to notify them of the Board's decision. The cost of the postage is included in the fee.

### **3. Period for Action**

As described in MGL c. 40A §9 the Board shall hold a public hearing within sixty-five (65) days of the application being filed with the Town Clerk, and shall render a decision within ninety (90) days following the close of the public hearing. Extensions of the period for action are possible, as described in the law.

### **4. Processing**

After receiving an application for a special permit, at its next meeting the Board shall determine if the application is complete. If the Board deems that all required information is not submitted, it shall forthwith return the application to the applicant with a statement of its deficiency, and notify the Town Clerk that the application was rejected as invalid.

For applications accepted by the Board, the Board shall inform the applicant whether it intends to have the plans reviewed by its consultants. The Board shall obtain an estimate from its consultant for the cost of the review and the applicant shall bear the cost of this service. Please refer to Appendix A for Fee Schedule. Failure to pay any review costs shall be grounds for denial of the special permit.

The Board shall forward one copy of the plan and supporting documentation to any party it deems necessary such as the Building Inspector, Highway Superintendent, the Board of Health, the Conservation Commission, the Fire Chief, the Police Chief, and the Board's consultant, etc.

The Board may wish to visit the site and will contact the applicant to schedule a time for a visit.

### **5. Hearing**

Before the Board can decide on a special permit application, it must hold a public hearing as described in Section IX.

The Planning Board shall advertise a notification of the hearing as specified in MGL c. 40A §11. The cost of advertising is addressed in Appendix A – Fee Schedule.

In addition, the Planning Board shall mail a copy of the advertised notice to the parties in interest in the pre-addressed envelopes provided by the applicant so that the postmarked date is at least fourteen (14) days prior to the date of the hearing.

### **6. Voting Requirements**

Four (4) members of the Board shall constitute a quorum. An affirmative vote of “at least four members of a five member board” (MGL c. 40A §9) shall be necessary to grant a special permit. Only members who have attended the public hearing, including any continuations thereof, may vote. If a participating member is absent from a single session

of the hearing, the member is not disqualified from voting as long as the member certifies in writing he has received and reviewed all missing information (MGL c.39 §23D).

The minutes shall show the vote of each member upon each question or, if absent, or unable to vote, shall indicate such fact.

## **7. Contents of Decision and Notice of Decision**

The Board shall put the reasons for a special permit decision in writing and file it with the Town Clerk, and it shall send a notice of the decision to certain parties, as described in the next section. This section discusses what information the decision and the notice may contain.

The decision may contain:

- The Board's findings of fact in the case including, at a minimum, the name and address of the owner and applicant, identification of the property and description of the proposed use;
- Citations of specific sections of the zoning by-law that apply either in support for or in opposition to the proposed use;
- Explanations of how the application complies or does not comply with each relevant requirement of the By-Law;
- References to any supporting documentation;
- The details of any conditions placed on the permit, giving reasons for each condition;
- The vote of the Board upon each question

The notice of decision, which is mailed to certain parties as described in the next section, must specify:

- Whether the Board approved or denied the special permit application;
- Where the full decision can be viewed (i.e. at the Town Clerk's office)
- That any appeal must be made pursuant to MGL c.40A §17 and filed within twenty (20) days after the date the decision was filed with the Town Clerk.

Appendix B provides a notice of decision template and a form letter to send to the applicant if the special permit was granted.

## **8. Filing**

Within fourteen (14) days of its vote, the Board will file a copy of its decision, with the Town Clerk.

The Board will forthwith mail a notice of its decision to the owner, to the applicant if other than the owner, to the parties in interest, and to those persons present at the public hearing who asked that the decision be sent to them.

## **9. Appeals**

Pursuant to MGL c. 40A §17, a notice of appeal of the Board's decision must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

## **10. Effective Conditions**

The special permit will take effect upon:

- Certification by the Town Clerk that twenty (20) days have elapsed since the filing of the decision and that no appeal has been filed (or if an appeal has been filed that it has been dismissed or denied);

**and**

- The certified decision has been recorded in the Registry of Deeds, indexed in the grantor index under the name of the owner of record, or recorded and noted in the owner's certificate of title. The applicant must record the decision at his own expense.

### **11. Withdrawal**

An application may be withdrawn by notice in writing to the Chairman at any time prior to the publication of the notice of the public hearing by the Board. Requests to withdraw at other times may be granted by a vote of the Board upon formal, written request, and after any outstanding fees are paid.

## **Section VI. Site Plan Review**

In certain instances a landowner who proposes to alter or develop property may have to obtain the approval of the Planning Board before receiving a building permit from the Building Inspector.

The purpose of a site plan review is to promote and to protect public health, safety, and the general and specific character of the town through the establishment of a project review procedure to provide for individual detailed review of development proposals which have an impact upon the natural and built environments of the town.

### **1. Governing Laws**

Section XII-2 of the Zoning By-Law specifies the uses and activities that require site plan review and approval from the Planning Board prior to issuance of a building permit or a special permit.

### **2. Criteria**

Criteria to be considered in evaluating the application for site plan review are set forth in the relevant section(s) of the Zoning Bylaw and, if applicable, the Subdivision Control Regulations. Applicants are required to submit sufficient information to evaluate all of the criteria set forth in the relevant section(s) of the Zoning Bylaw. Applications that do not contain sufficient information may be rejected as invalid.

### **3. Submission**

If site plan review is required, the Building Inspector will refer the applicant to the Planning Board.

#### **Consult with Planning Board**

Prior to preparing a site plan review application, the Board recommends that the Applicant meet informally with the Planning Board to help ensure that the application will contain such information as the Board requires to make its decision.

#### **Plan Preparation**

Plans, drawings and maps must be prepared in accordance with Section VII of these Rules and the requirements of the specific relevant sections of the Zoning Bylaw.

### **File with Town Clerk and Planning Board**

For the Town to act on a site plan review application in a timely manner, the applicant must file the following information with the Town Clerk and Planning Board.

The applicant must first file the following materials with the Town Clerk:

- One (1) copy of the Application Form for Site Plan Review (Appendix C) must be filed with the Town Clerk and nine (9) copies filed with the Planning Board for distribution to town departments, boards and commissions. The Board has the right to alter the number of copies required.
- Ten (10) copies of all plans and supporting documentation.
- A fee as indicated in Appendix A.

The Town Clerk shall certify the date and time of filing on the application forms and return one copy to the applicant.

The fee shall be paid to the Planning Board upon the submission of the application and supporting documentation.

#### **4. Period for Action**

The Board must make a decision within sixty-five (65) days of the proper filing of an application.

#### **5. Processing**

Upon receiving an application from the Town Clerk, the Chairman shall place the application on the agenda of its next regular meeting and shall advise the applicant to attend to answer questions and respond to the concerns of the Board.

At that meeting the Board shall first determine if the application is complete. If the Board deems that all required information is not submitted, it shall forthwith return the application with a statement as to its deficiency, and notify the Town Clerk that the application was rejected as invalid.

For applications accepted by the Board, the Board shall inform the applicant whether it intends to have the plans reviewed by its consultants. The Board shall obtain an estimate from its consultant for the cost of the review and the applicant shall bear the cost of this service. Failure to pay this fee shall be grounds for denial of the site plan for the development.

The Board may wish to view the site and will contact the applicant to schedule a mutually convenient time for a visit.

#### **6. Hearing**

Approval for a site plan may be issued only after review by the Board at a public meeting, held within sixty-five (65) days of the filing of an application with the Planning Board. While a public hearing is not required for site plan review in most cases, in cases of significant impact the Board may require advertising of the public meeting and notification of interested parties. It is usual for the Planning Board to require notification of abutters in most site plan reviews.

## **7. Voting Requirements**

Approvals require an affirmative vote of a majority of the members of the Planning Board present and voting.

The record should show the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Board shall, in addition, set forth clearly the reasons for its decision.

## **8. Filing of Decision**

The Planning Board will render its decision before the expiration of the sixty-five (65) day period and will file its written decision with the Town Clerk and the Building Inspector as soon as practicable.

Appendix C4 provides a site plan review decision template.

## **9. Time Limits and Appeals**

Approval of a site plan shall lapse unless the work or action authorized by it commences within one year after the Planning Board has granted such approval and thereafter proceeds in good faith continuously to completion so far as is reasonably practicable. If site plan approval does lapse as provided herein, the Planning Board, upon written application, and after due notice and a public meeting may grant one or more extensions for time periods not to exceed one year for each extension.

If the application is denied the applicant may amend the site plan and submit a new application to obtain the approval of the Planning Board or may appeal the Board's decision to Superior Court.

## **10. Enforcement:**

The Planning Board may require the posting of a bond to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.

# **Section VII. Plans for Site Plan Review**

This section discusses the requirements for plans that are submitted as a site plan review application. Plans are also required for ANR and subdivision applications but the requirements for those plans are specified in the Subdivision Rules and Regulations.

## **1. Planning Board Consultation**

Prior to submitting an application for a site plan review, it is recommended that the applicant meet with the Board to discuss the proposed development and any unusual features on the site that require special treatment and to insure that the application will contain all of the information needed by the Planning Board to render a decision.

## **2. Plan Requirements**

Applications for Site Plan Reviews shall be made on forms prescribed by the Planning Board and shall be filed with the Town Clerk or Planning Board, who shall forthwith transmit copies to the other. For new developments, the Planning Board requires that plans be prepared by and bear the stamp of a registered Professional Civil Engineer or registered Land Surveyor. However, for developments expected to have insignificant impacts, the Board may waive this requirement. (In the Rural Preservation Overlay

District some site plans may qualify for a more simplified submission and procedure; see paragraph VII. 3 below.)

Except as provided in paragraph 3 below, applications for Site Plan Reviews shall include at least the following information:

- a. The applicant's name, address and interest in the subject property;
- b. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application;
- c. The street address and/or other identification of the property; deed reference; and assessor's parcel reference;
- d. The zoning classification and present use of the property including hours of operation, if applicable;
- e. The proposed use or uses of the property including hours of operation and any potential impact on neighboring properties;
- f. Depending on the scale of a given project, the following additional information may also be required, to be determined at the preliminary conference with the Planning Board:
  1. A description of proposed construction or development, schedule of work, hours of work and any potential impact on neighboring properties;
  2. A description of mitigation measures for noise, odor or visual impacts arising from the construction or development and new use or uses after completion;
  3. A description of water supply, sewerage disposal system and refuse disposal facilities to be utilized during construction;
  4. If open space or historic preservation is included in the proposed use, the planned disposition, ownership, legal arrangement, enforcement and perpetual maintenance of the open space or historic preservation;
  5. Description of impact on town services.
- g. The site plan should be drawn on 24" x 36" paper using a scale of forty feet (40') to the inch. The plan shall contain the following unless waived or modified by the Planning Board, and shall contain sufficient detail of the proposed change to the site or use(s) to enable the planning board to make the required determinations as defined in the bylaw:
  1. Identification of the property and a locus map showing the location of the property;
  2. Boundary lines, dimensions and size of the existing property, available utilities, easements, roadways, rail lines and public rights of way, crossing and adjacent to the subject property;
  3. Identification of abutting properties and their current use(s) with owner names and deed references including the highlighting of abutting property owned in whole or part by the applicant and/or owner;
  4. If grade changes are proposed to the site, show contours of the existing grade of the site and surrounding area at two (2) foot intervals and show proposed site preparation, re-grading and finish grading in contours at two (2) foot intervals;
  5. Location and identification of existing site features that will be impacted with the proposed site changes or new use(s);
  6. Delineation and size of the area on the site to be impacted including, if appropriate, the development envelope and protected open space;

7. Depending on the nature and scale of the proposed project, the following may also be required, to be determined at a preliminary conference with the Planning Board:
  - a. If appropriate, the delineation and size of proposed lots that will be used as building areas and the proposed use(s) for each lot;
  - b. If applicable, the location, dimensions and profiles, number and construction materials of all vehicular and pedestrian circulation elements (roads, driveways, walkways, etc.) in content substantially similar to that defined in the Subdivision Rules and Regulations – Definitive Plan;
  - c. Proposed utilities and routes;
  - d. Detail existing surface and subsurface drainage, erosion and sedimentation control and wastewater handling measures for the site and measures to be utilized during construction;
  - e. Using low impact design techniques, detail proposed permanent surface and subsurface drainage, erosion and sedimentation control and wastewater handling measures and maintenance plans in content substantially similar to that defined in the Subdivision Rules and Regulations – Definitive Plan;
  - f. Visual and noise buffers to be utilized during construction and permanent measures and maintenance plans;
  - g. Proposed fire ponds and hydrants and/or the location of the nearest fire pond;
  - h. Proposed landscaping plan, (noting how the existing is to be retained and used) including a description of plant materials and locations, the type and height of any fences or screen plantings and any plans for vegetation or fencing to be used as a buffer between properties;
  - i. Approximate locations of the proposed buildings, structures and/or dwelling units, the approximate size of each in square feet and the distance from surrounding structures;
  - j. If property is for a commercial use, show the location, size, use, attributes and arrangement, including height in stories and feet, floor area ratio, total floor area, total square feet of ground area coverage, exterior materials and elevations at appropriate scale, of proposed buildings and existing buildings which will remain, and those which will be demolished, if any;
  - k. Location, size and arrangement of all signs and lighting, if applicable;
  - l. Location, identification and description of all other site improvements;
8. For site plans involving OSRD developments, Backlot Developments or Telecommunications facilities, any additional requirements set out in the relevant subsections of the Zoning Bylaws of Princeton;

9. Other information and plans as requested by the Planning Board.

The Board will judge the qualities of the specific location, and the proposed use and building types so as to meet the objectives described in Zoning By-Law § XII. The plan must include sufficient detail to allow the Board to make its judgment. For developments under the town's Open Space Residential Design (OSRD) bylaw (Zoning Bylaw, Section XIV), the applicant will be required to demonstrate that the proposed development complies with the minimum design standards set out in Zoning Bylaw Section XIV.13.

Requested waivers to the above requirements shall be in writing and identify the section of bylaw or regulation and the reason for requesting waiver. The Board shall have the authority to alter or waive any of these requirements as it deems necessary or appropriate in particular cases.

**3. Simplified requirements for Site Plan Review applications in the Rural Preservation Overlay District**

In cases where site plan review is required solely by Section XVI of the Princeton Zoning Bylaw (Rural Preservation Overlay District (RPOD)) and where the only development proposed is an alteration or addition to an existing residential use, the following simplified requirements apply. In such cases, applications for Site Plan Review in the RPOD shall include at least the following information:

- a. The applicant's name, address and interest in the subject property;
- b. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application;
- c. The street address and/or other identification of the property; deed reference; and assessor's parcel reference;
- d. The zoning classification and present use of the property;
- e. The current and proposed use or uses of the property;
- f. A description of proposed construction or development;
- g. The site plan should be drawn on paper showing the existing structure(s), proposed alterations and any additional structure(s). While the plan need not be drawn to scale, accurate dimensions and distances should be labeled and should include the following:
  1. Boundary lines, dimensions and size of the existing property and lot lines, easements, roadways, rail lines and public rights of way, crossing and adjacent to the subject property;
  2. Location and identification of existing site features including any proposed grade changes that will be impacted with the proposed site changes or new use(s);
  3. Delineation of the area on the site to be impacted by the proposed development envelope;
  4. Proposed landscaping and a detailed description of any mature trees, stone walls or other scenic features of the landscape that are to be altered or removed;
  5. Approximate locations of the proposed buildings, additions or alterations, the approximate size of each in square feet and the distance from surrounding structures;
  6. Location, identification and description of all other site improvements;
  7. A description of the impact of the proposed development on any scenic views onto or across the subject property;

8. A description of any alteration or addition to driveway cuts from the subject property onto adjacent roadways;
9. If extensive topographical changes to the site are proposed, the Planning Board may required topographical mapping of the site;
10. Other information and plans as requested by the Planning Board.

The Board will judge the qualities of the specific location, and the proposed use and building types so as to meet the objectives described in Zoning By-Law § XII. The plan must include sufficient detail to allow the Board to make its judgment.

Requested waivers to the above requirements shall be in writing and identify the section of bylaw or regulation and the reason for requesting waiver. The Board shall have the authority to alter or waive any of these requirements as it deems necessary or appropriate in particular cases.

## **Section VIII. Zoning By-law Amendment**

The Zoning By-Law and Map contain the regulations for determining what type of development is permitted throughout town. The Planning Board plays a pivotal role in amending them. This outlines the steps that must followed to make successful amendments. To avoid having an amendment disapproved due to a procedural mistake, strict adherence is required to the process established by state law for enacting zoning changes.

### **1. General Information**

According to MGL c. 40A §5, a zoning amendment may be proposed at any time and be placed on the warrant of a special or annual Town Meeting. Proposals which will have a significant impact on the Town should be presented well in advance of Town Meeting to allow for careful consideration by local officials and the general public.

### **2. Origination**

Amendments may be submitted by:

- The Board of Selectmen
- The Zoning Board of Appeals
- An individual owning land affected by the proposal
- Ten or more registered voters for consideration at an annual Town Meeting
- 100 or more registered voters, or ten percent of the total number of registered voters, whichever is less, for consideration at a Special Town Meeting
- The Planning Board
- The Central Massachusetts Regional Planning Commission (CMRPC)

### **3. Steps Required to Ensure Legal Acceptance**

Each of the following steps must be followed precisely. The Planning Board should document each step as it happens because such documentation is required when the revised By-Law is submitted by the Town Clerk to the Attorney General for approval. The requisite documentation is described parenthetically below.

1. An amendment is initiated by submitting the proposed By-Law or map change to the Board of Selectmen in the form of an article for Town Meeting. (Document who initiated the amendment proposal and when it was submitted to the Board of Selectmen).

2. The Board of Selectmen has fourteen (14) days to submit the proposal to the Planning Board for its review. (Retain a copy of the Selectmen's transmittal memo to the Planning Board).
3. The Planning Board must hold a public hearing within sixty-five (65) days of its receiving the proposal. Notification of the hearing must be advertised, posted and mailed to certain parties as described below. The hearing notice must contain the following information:
  - a. The time, date and place of the public hearing
  - b. The subject matter of the hearing "sufficient for identification". This must contain enough detail so the reader can make an informed decision on whether to attend the hearing or Town Meeting.
  - c. The place where the texts and maps may be inspected.(Retain a copy of the hearing notice.)
4. The Board must advertise the hearing notice in a local paper in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing. Do not include the date of the publication when counting the fourteen (14) days. (Document the name of the paper and the dates of publication).
5. The Board must post the hearing notice in the Town Hall for a period of not less than fourteen (14) days before the date of the hearing. (Document when the notice was posted.)
6. The Board must mail the hearing notice to the Commonwealth's Department of Housing and Community Development. (Mail with return receipt.)
7. The Board must mail the hearing notice to the Central Massachusetts Regional Planning Commission (CMRPC). (Mail with return receipt.)
8. The Board must mail the hearing notice to the Planning Boards of the neighboring communities of Holden, Rutland, Hubbardston, Westminster, Leominster and Sterling. (Mail with return receipt.)
9. No more than six (6) months can elapse between the hearing and the town meeting vote on the zoning change.
10. The town meeting warrant must be properly posted: seven (7) days before an annual town meeting, fourteen (14) days before a special town meeting.
11. The Planning Board Public Hearing must be held at least twenty-one (21) days before the Town Meeting. If not, the Planning Board must submit a report with recommendations or else the amendment cannot be acted upon. The report of the Board is advisory only, but usually carries considerable weight at Town Meeting since it is the Board's responsibility to thoroughly evaluate all aspects of the proposal, considering its overall impact on the Town.

In its review, the Planning Board may wish to revise the original proposal to take into account testimony received at the hearing or for a variety of other reasons. In its report to Town Meeting, the Planning Board may recommend amendments to the original proposal without another public hearing if the fundamental character and identity of the proposal are not changed but are designed merely to perfect the proposals.

(Document whether the Board's report to the Town was oral or written. If written, retain a copy.)

12. A two-thirds (2/3's) vote at Town Meeting is required for adoption of a zoning amendment. Town Meeting may amend the original proposal without a new notice, public hearing, and Planning Board report unless the Town Moderator rules that the amendment is outside the scope of the Article or the amendment: 1) changes the identity or substantial character of the original proposal; 2) fundamentally departs from the original proposal; or 3) radically differs from the original proposal.
13. If the proposed amendment is voted down by Town Meeting, it may not be brought back for a period of two (2) years, unless adoption is recommended in the final report of the Planning Board.
14. Within thirty (30) days of adjournment of the Town Meeting in which an amendment was adopted, the Town Clerk must submit to the Attorney General a certified copy of the amendment, a statement explaining the By-Law or map change (may be prepared by the Planning Board), and proof that all of the procedural requirements have been followed. The Attorney General has ninety (90) days after submission by the Town Clerk to act on the amendment; if ninety (90) days lapse without action by the Attorney General, the By-Law is deemed approved.
15. After the proposal has received the approval of the Attorney General, it must be published in a town bulletin or pamphlet and be posted in at least five (5) public places in the town, or the amendment can be published twice at least one week apart in a newspaper of general circulation in the Town. (MGL c. 40 §32)
16. After approval by the Attorney General, a copy of the latest effective Zoning By-Law must be sent by the Town Clerk to the Department of Housing and Community Development.
17. For ninety (90) days following the posting or the second publication in a newspaper, legal action may be commenced on the grounds that there were procedural defects in the adoption process. A copy of the petition submitted to the court must be filed with the Town Clerk within seven days after the court action is commenced. After ninety (90) days, no zoning amendment may be invalidated due to procedural defects.

#### **4. Effective Date**

A zoning amendment legally takes effect immediately upon adoption by Town Meeting. The Attorney General, after receiving notification of the amendment, has ninety (90) days to approve or disapprove the amendment. The Attorney General may invalidate the

amendment in full or in part if it is inconsistent with the constitution or laws of the Commonwealth or if procedures required by law were not followed.

## **Section IX. Hearings**

### **1. Notice**

Before any public hearing, parties in interest must be notified. The details of this notification vary depending on the hearing's purpose.

- For special permits, see Section V.2
- For subdivisions, see Section III of the Subdivision Rules and Regulations
- For Zoning By-Law Amendments see Section VIII.3.

### **2. Hearing to be Public**

All hearings shall be open to the public. No person shall be excluded unless he is considered by the Chairman to be a serious hindrance to the workings of the Board.

### **3. Representation and Absence**

An applicant may appear in his own behalf, or be represented by an agent or an attorney. In the absence of any appearance on behalf of an applicant, the Board shall decide on the matter using the information it has otherwise received.

### **4. Order of Business**

The hearing shall start at the time specified in the printed notice.

- a) Explanation of procedures by the Chairman including a reference to the printed notice.
- b) Applicant's presentation
- c) Questions from the Board.
- d) Comments from the public, if any, and questions by those seeking information.
- e) Applicant's response, if any.
- f) Steps b – e will be repeated for each application presented to the Board.
- g) The Chairman shall close the public hearing.
- h) The Board shall deliberate.

Members of the Board who are hearing the case may ask questions at any point during the hearing.

### **5. Clarifications and Additional Material**

The Board shall not consider any additional material once the public hearing is closed. This avoids giving the appearance that the Board is acting on information that was not available to the public at the public hearing, and therefore, which is not subject to rebuttal by the public.

Exceptions may be made for clarifications requested by the Board, or draft decisions submitted by the applicant to be used by the Board in making its own determination.

If new information is to be made available, the public hearing must be continued to another time with proper notice given to allow interested parties the opportunity to review and comment on such matters.

**Section X. Policies and Advice**

Whereas all decisions of the Board take place only at its meeting, any advice, opinion or information given by any Board member, or any other official or employee of the Town of Princeton shall not be binding on the Board.

**Section XI. Adoption**

The foregoing rules and regulations and attached appendices are hereby adopted this 21st day of January 2009, by the Planning Board; all former rules of this Board are hereby superceded.

\_\_\_\_\_  
Mark Canfield, Chairman

\_\_\_\_\_  
Richard E. McCowan

\_\_\_\_\_  
Brian Jackson

\_\_\_\_\_  
James M. LaChance

\_\_\_\_\_  
Tom Daly

INCLUDE REFERENCED APPENDIXES IN DOCUMENT