

## We All Engage in the Same Process - But Differently!

### Step 1: Application is Received

- What are the pieces of the application?
  - > Fees (Application fee(s), abutter fee, possible third-party review)
  - > Signatures
  - > Abutters
  - > Plans
  - > Narratives
  - > Special Studies (may not yet be known)

Is it a Minor or Major?  
Why?  
Triggers?  
Process?  
Different requirements?

What is a TRC?  
How do they work?

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### Step 2: Is the application complete?

- Are the 4-5 items above included? Yes? 😊
- Is the use permitted in the district? Check zoning!!
- Are the plans complete? 😊
  - > Does the application have enough information to make an informed decision?
    - + Existing conditions plan by a surveyor? Natural Resources? Wetlands?
    - + Is there a demo plan needed/provided?
    - + Existing and proposed grading plan by engineer?
    - + Site plan?
    - + Landscaping/lighting?
    - + Construction details
    - + Drainage, Traffic, Environmental, and any others needed
  - > Are waivers need? Are they provided?

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The same: Is there enough information provided to determine conformity with zoning and regulations?

This answer may vary depending on project

Different: Do you have staff or members qualified to determine this?

If the application is not complete, the applicant must be notified in writing what specific items are missing and what needs to be provided in order to be determined complete.

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Step 3: If the application is complete, proceed to Notification of Planning Board Meeting

- Notice should:
  - > Specify time, date, and location of meeting
  - > Clarify that no additional notice will be sent for subsequent meetings
  - > Indicate address and type of approval requested
- Send abutter notifications 10 calendar days before meeting (don't count day noticed or day of meeting)
- Post legal notice in at least 2 locations (website, newspaper, physical location)
- Post the agenda 24 hours prior

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### Step 3: Notification (con't)

- Not all applications require a statutory notification
  - > Lot Mergers do not
  - > Conceptual Consultation does not (but Design Review does!)
    - + Any submission that includes a plan/plat is not considered a conceptual consultation
  - > Failure to Notify
    - + An abutter that is not notified may dispute the Planning Board decision
  - > It is the responsibility of the applicant to ensure abutters are notified -
    - + **The applicant** accepts the risk of moving forward with a meeting where abutters are not correctly notified

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The Same: Notification to abutters and the public must be provided in accordance with state statute.

Different: Who's responsibility is it to notice abutters?

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### Step 4: Public Meeting

- The Board must determine if the application is complete or incomplete within the statutory time frame, unless the applicant requests a continuance to provide the required items (the Board may use a planner or staff to review items, though the determination is their responsibility)
- The Board must determine whether the application is a Development Of Regional Impact
- The Board may choose to open or not open the public hearing at the first meeting
  - > If the public hearing is opened, testimony must be taken
- The Board may choose to open the public hearing immediately, in which case:
  - > The Board would determine completeness & DRI status
  - > Decide on waivers
    - + State the justification based on merits of application
    - + State which criteria for waivers in RSAs applies
  - > Take testimony
  - > Render decision

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### Step 4: Public Meeting - Procedures may vary greatly

- The Board may choose not to open the public hearing initially or at the first meeting, in which case
  - > The Board would still determine completeness & DRI status
  - > No testimony taken
  - > No decision at the first meeting
  - > Set public hearing for next PB meeting for testimony and decisions
- The public hearing may occur at the next scheduled PB meeting
  - > Decide on waivers
    - + State the justification based on merits of application
    - + State which criteria for waivers in RSAs applies
  - > Take testimony
  - > Render decision

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The Same: All Boards should determine completeness & DRI status at the public meeting

Different: Boards may or may not also open a public hearing, take testimony, and render decision.

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### Step 5: Plan Review

- The Board may choose to open the public hearing immediately, in which case:
  - > They take feedback from the public
  - > Continue the hearing (with applicant agreement) or render a decision
- The Board may choose not to open the public hearing initially or at the first meeting, in which case:
  - > They may consider completeness, waivers, and regional impact
  - > Continue the application process to the next meeting

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### Step 6: Decision

- The Board may approve or deny an application
  - > Findings of fact should be provided either way
- Most applications receive Conditional Approval initially
  - > Construction may not begin, BP may not be issued
  - > Typical conditions may include
    - + Addressing plan review comments
    - + Obtaining permits such as AOT, DES, DOT, Dredge and Fill, State Subdivision
    - + Payment of bonds or sureties
    - + Stamp/signatures of licensed professional

#### Motions are needed for:

- Waivers
- Regional Impact
- Determining Completeness
- Tabling
- Postponing
- Continuing
- Application Approvals
  - Prelim Design
  - Site Plan
  - Subdivision
  - ADR
  - CUP
  - Excavation

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### Step 6: Decision

- Issuing the Decision
  - > Motion needed, second, discussion?, vote... document!!
- Conditional Approval
  - > All plan corrections made
  - > Waivers must be on plans
  - > Stamps and signatures of professionals (surveyor, engineer, etc.)
  - > State permits, bonds,
- Final Approval
  - > Plats signed and recorded at the registry
  - > Site Plan should be formally documented with signature of chair (and others as needed)
  - > Date of signature should be documented

- What does it mean to be vested?

- Active and substantial completion within 5 years

- > Roads
- > Utilities
- > Percent structures built

- Expiration of approval

- Revocation of approval

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