

The Planning Board Development Review Process An Abutter's Guide

To reach the Planning Board, please contact the City of Fitchburg Dept. of Community Development, Planning Division.

Location:

Community Dev. Dept.
Planning Division
Fitchburg Public Library
610 Main Street
Fitchburg, MA 01420

Contact:

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City of Fitchburg Planning Board

The Planning Board has prepared this guide to explain what you, as an abutter to a proposed development project, can expect during the process of review of this project. It is not intended to be a legal guide, but to help you understand how to participate in hearings, get information and best communicate any concerns you may have.

Why did I Receive a Public Hearing Notice?

You received a hearing notice because you are an abutter or "Party in Interest" (as defined by law) to a proposed development that will be reviewed by the Fitchburg Planning Board. The notice is required by statute to let you know that a public hearing is being held on the project.

What is the Planning Board?

The Planning Board has seven appointed members and may have up to two appointed associate members. The Board has the responsibility to review proposed development projects and makes decisions on them in accordance with statute and local by-laws. The board holds its hearings in the evenings. Board members have a variety of backgrounds and volunteer to serve on the board. They are assisted by professional staff that work in the Planning Division office during the day.

Permit Types and Planning Board Review Authority

Subdivisions

The Board acts on subdivisions based on the authority in the Subdivision Control Law and the Board's Subdivision Rules & Regulations. Plans either must comply with these requirements or the applicant must request that waivers be granted. The Board has discretion in acting on waivers to consider those that are in the best interest of the design of the project and of the city. Subdivisions must also comply with zoning requirements. The Board will focus on issues relating to the subdivision roadway construction such as drainage, grading, erosion control, sidewalks, and curbing. The Board will also consider traffic safety and development of an overall interconnected roadway network.

Special Permits

The Board also is the "Special Permit Granting Authority" for several types of Special Permits including Planned Unit Developments (PUD), Flexible Developments, "Infill" lots and numerous others. A complete list of Special Permits the Board handles is located in the Fitchburg Zoning Ordinance. For more specific information on special permits see Massachusetts General Laws, Chapter 40A, Section 9; the Fitchburg Zoning Ordinance, Section 181.93; and the Rules and Regulations adopted by the appropriate Special Permit Granting Authority.

<http://www.ci.fitchburg.ma.us/152/Planning-Division>

How can I Find Out More About What is Proposed?

All applications, plans and supporting materials are on file at the Planning Office. You are welcome to review this information and may pay for copies of any information you would like to keep.

The Community Development Dept. is generally open on weekdays from 8:30 a.m.- 4:30 p.m. It is best to call and make an appointment to ensure that staff will be there.

What Should I Expect At the Public Hearing?

The notice you received in the mail tells you when the public hearing is scheduled. It is also published in the legal notices in the Fitchburg Sentinel & Enterprise. At the first hearing, the applicant will present plans and explain what is proposed for the Board and the audience. The Board will ask questions where clarification is needed. There will be an opportunity for those in the audience to ask questions or offer opinions. Comments may also be submitted in writing. The Board often has several public hearings scheduled at each meeting. Occasionally, for simple projects, hearings can be completed in one night and are closed, meaning that no further testimony is taken. More often, hearings may be continued with direction given by the Board to the applicant on revisions to the plans or information that is needed. Continued hearings may be several weeks or months in the future depending on how long it takes the applicant to gather the required information and the Board's workload. Occasionally the hearings process is delayed due to weather, the absence of a Board member, or at the applicant's request. To verify that a hearing is being held on a scheduled date, you can call the Community Development Office.

What Issues Does The Board Consider?

The Scope of issues that the Board can consider in reviewing projects is defined by state law and City ordinances and regulations. In presenting testimony (oral or written) it is most helpful to focus on these issues.

How can I Make My Concerns Known if I Cannot Attend?

Comments can be submitted in writing prior to the close of the Public Hearing. Copies will be provided to the Board members. As with all testimony, it is most helpful to raise concerns early in the process.

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What Happens After The Public Hearing?

After the hearing and the record is closed, no new information can be submitted. The Board deliberates and makes a decision at a Board meeting within 90 days upon closure of the hearing. The Board generally either approves a plan with conditions or denies it if it does not meet city standards. Interested individuals are welcome to attend and listen, but may not make further comments. The Board makes its decision on subdivisions waiver requests at this time. The decision is voted on and filed with the City Clerk by the decision deadline. Special Permit decisions require a super majority vote of the members (5) votes to pass. Other permit types require a simple majority (4) votes to pass.

Will I Be Notified of the Decision?

Notice of special permit decisions are required by law to be sent to all abutters. You may request a copy of any decision from the Planning office.

How Can I Appeal?

Appeals may be made to Superior Court (and in some cases Land Court). For subdivision decisions and Special Permit decisions there is a 20 day appeal period (from the date the decision is filed with the City Clerk).

10 Suggestions for Presenting Testimony at Public Hearings

1. You should stand and state your name & address for the record each time you speak.
2. Feel free to use the proposed plan to point out concerns you may have and try to stand so that the Board can see the area which you are referring.
3. Try to state all of your questions or concerns at once and then allow the next person to speak.
4. Be polite and respectful of differing opinions.
5. While you may have questions for the applicant, you should address them to the Board. The Board may direct the applicant to keep a record of questions asked and answer them all at once.
6. Avoid personal attacks-stick to issues relating to the project and within the scope of the Board's review.
7. Don't ask to speak again until all have an opportunity to be heard.
8. It is fine to just say "I agree with Mr. Smith about traffic," rather than restating the same concerns.
9. Comments made at one hearing need not be repeated at subsequent ones unless they have not been addressed.
10. Remember that you will not be notified by mail of continued hearing- if you are interested you should attend or call the Planning Office.