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CITY OF AMESBURY - PLANNING BOARD
RULES AND REGULATIONS

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CITY OF AMESBURY, MA

Drafted: June 24, 2025
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The Amesbury Planning Board in accordance with Chapter 40A, Section 9 hereby adopts the following Rules and Regulations, governing the organization and conduct of the Board and also governing review and action on Site Plan Review and Special Permit, and Signs.

ARTICLE I- ORGANIZATION

SECTION 1.1: MEMBERS AND OFFICERS

The Planning Board shall consist of seven elected members. The Municipal Council may appoint members to any vacancies that may occur in a joint meeting with the Planning Board as necessary. The Planning Board members shall elect, on a yearly basis, a Chair and Vice-Chair of the Planning Board.

SECTION 1.2: THE CHAIR

The Chair shall be eligible to vote on all matters and shall decide points of order, unless overruled by a majority of the Board. The Chair shall appoint such standing subcommittees as may be constituted.

SECTION 1.3: THE VICE-CHAIR

The Vice-Chair shall act as Chair when the Chair is absent or is unable to perform his/ her duties. In the absence of both the Chair and Vice Chair, the Chair shall appoint an acting Chair prior to the meeting, and the Board members shall elect the acting Chair at the meeting.

The Chair, with the concurrence of a majority of the Board, shall make appointments to such other boards, committees, and task forces as authorized by the Mayor or the Municipal Council.

ARTICLE II - PLANNING BOARD MEETINGS

SECTION 2.1 : MEETING SCHEDULE

Regular meetings of the Board are scheduled for the second and fourth Mondays of the month, at City Hall or as otherwise posted. Other meetings are scheduled as necessary. Meetings shall start at 7:00 p.m. and adjourn no later than 9:30 p.m. Any remaining item(s) on the agenda shall carry forward to the next meeting date, unless 2/3rds of the Board votes to waive this requirement and continue the item in the same meeting beyond 9:30 p.m.

SECTION 2.2: MEETINGS OF BOARD

Four (4) members, shall constitute a quorum for meetings. Five (5) members shall constitute a quorum for special permit hearings, except that less than a quorum may adjourn, postpone, recess or continue a hearing.

The chair may cancel the regular meeting whenever, in their opinion no meeting is required by business then pending. Special or emergency meetings may be called by the chair or by any four (4) members. Actual notice thereof shall be given to each member of no less than forty-eight (48) hours before the time set for the meeting and public notice shall be posted as required by law.

Other board agenda items while conducted in meetings open to the public, are not public hearings. The Board will allow testimony only as it deems necessary. Unsolicited comments may be ruled out of order by the Chair.

SECTION 2.3: DEADLINES FOR AGENDA ITEMS

Agendas for the Board meetings are drawn up on the Tuesday prior to the meeting by the Planning Board Secretary. All materials for agenda items shall be submitted to the Planning Department before the deadlines as stated below. The agenda for the meetings shall be filed with the City Clerk and publicly posted in City Hall at least 48 hours, not including Sundays or legal holidays, prior to such meetings.

- a) New site plan review and special permit applications with all supporting documents and information shall be submitted to the Planning office thirty (30) days prior to the meeting date. Incomplete applications will be returned and not put on the agenda, even if the application was submitted before the deadline.
- b) For applications already before the board and in the permitting process, all materials including but not limited to drawings, ongoing technical reviews by independent or planning board consultants as well as departmental reviews, and supporting documents should be received in the Planning Department ten (10) calendar days prior to the meeting date. If all the documents necessary for discussion are not received by that deadline, the project will not be placed on the Planning Board agenda and the hearing will be continued. If the developer chooses to present information that has not been submitted 10 days in advance, the board reserves the right to vote to continue the hearing to a subsequent meeting date to allow the board and staff enough time to adequately review the new material.
- c) Form A and lot line modification applications shall be submitted ten (10) days in advance of a scheduled Planning Board meeting.
- d) Modifications to existing residential and commercial approved developments, ongoing projects or any permit or review requiring a new application to be submitted to the Planning Board will be considered new business and must meet the deadlines for new applications.
- e) Sign applications that meet all dimensional requirements and have received a positive recommendation from DRC and staff shall be presented to the board for formal approval.

ARTICLE III - APPLICATIONS

SECTION 3.1 : APPLICATION FORM

Applications to the Board for Site Plan Review, Special Permits, and Signs shall be made on the official application form for that request. Application forms are available in the Planning Department or via the online platform. The information required with the application as specified in Section 3 and the fee required in Section 4 shall be considered a part of the application and no application shall be deemed complete unless the required information and fees are included. Applications are not deemed to be submitted officially until a paper copy of the application has been date stamped in the Clerk's Office.

SECTION 3.2: FILING

Applications to the Board for either Site Plan Review or Special Permits shall be filed with both the City Clerk and the Planning Department. The date of receipt by the City Clerk shall be considered the date on which the application has been filed with the Planning Board. All required information and the filing fee shall be required at the time of filing unless waived by the Board.

Upon submission of application, the Planning Department shall determine if the said application is complete in all respects and that all necessary documents have been submitted. If it is determined that the application is incomplete, the applicant will be notified and no further action will be taken on it.

SECTION 3. 3: INFORMATION REQUIRED

- A. *Special Permits* - Special Permit applications to be administered by the planning board as further outlined in Section V or elsewhere in the Amesbury Zoning Ordinance shall require the applicants to submit the information indicated the relevant sections therein.
- B. *Site Plan Review* – Applications subject to site plan review shall submit information as outlined in XI.C.
- C. *Waiver* - The Planning Board shall have the right to waive any Site Plan Review requirements, or to request additional information necessary to render a decision.
- D. *Revised Plans* - Revised plans which are submitted to the Board as condition of Site Plan Review, for approval, must be reviewed by a majority of the members who were sitting at the public hearing for the application.
- E. *Cluster Subdivision*
- 1) *Sketch Plan* - All applications for a cluster subdivision shall include a sketch plan showing a standard subdivision that could realistically be approved by the Board on the parcel proposed for the cluster subdivision. The Board shall use the sketch plan to determine the number of lots that would be allowed under the cluster plan.
 - 2) *Homeowners/Condominium Association documents* - The proposed Homeowners/Condominium Association documents shall be submitted to the Planning Board for review and approval prior to the release of lots for the purposes of building.
- F. *Pre-Applications* – Pre-applications must be submitted at least 3 weeks prior to the meeting date using the provided form. The pre-application form can be submitted as a standalone document or with the additional documents outlined therein if they are available.

SECTION 3. 4: FEES

All applications shall be accompanied by the appropriate fee as determined in the City listing of application fees in effect at the time of submitting an application to the Planning Board. Checks are to be made payable to the City of Amesbury. Any application not accompanied by a filing fee will not be accepted by the City Clerk or the Planning Department.

SECTION 3.5: DOCKET NUMBER

Each application, appeal or petition shall be assigned a file or docket number comprised of the last two (2) digits of the year, two (2) digits indicating the month in which it is first scheduled to be heard, and the serial number in two (2) digits of the particular for that

month. For example, the fourth application, appeal or petition filed for hearing May 1992, would be numbered "920504".

SECTION 3. 6: NON-COMPLYING APPLICATIONS

Upon preliminary review, if the Chair of the Board deems an application, inadequate to a proper understanding of the matter or otherwise incomplete or not properly filed, the applicant, appellant or petitioner may be so notified in writing and given the opportunity before a specified date, not later than seven (7) days before the date of the hearing, to bring the application into compliance. An application, which is subject of such notice but is not brought into compliance before the date specified in such notice, may be denied for failure to comply with the Board's Rules of Procedure.

SECTION 3.7: DISTRIBUTION OF APPLICATIONS

The Board shall send application forms, copies of the plans and supporting documents where necessary, to appropriate City boards, commissions, departments including, but not limited to, the Technical Review Committee, Desing Review Committee, Conservation Commission, Historical Commission, and Open Space Committee. These boards shall have 31 days to submit their comments to the Planning Board.

SECTION 3. 8: WITHDRAWAL

An application may be withdrawn without prejudice by notice in writing to the City Clerk, with a copy submitted to the Planning Department, at any time prior to the publication of the notice of the public hearing. Requests to withdraw after publication date of the notice of public hearing may be granted only by permission of a majority of the Board.

SECTION 3.9: RE-APPLICATION

In order to have an application, appeal or petition heard within two (2) years after final denial of a request for the same relief (unless such denial was without prejudice), the applicant or petitioner must request permission from the Planning Board, showing by new evidence substantial and specific changes of relevant conditions.

ARTICLE IV - PUBLIC HEARING

SECTION 4.1: NOTICE

Notice of hearings shall be advertised as required by Chapter 40A, Section 11, including notice to all parties of interest.

SECTION 4.2: SITE VISIT

The Board, or a designated subcommittee, shall make a site visit to the property that is the subject of the application. The applicant will be notified of the site visit. If the Board judges the application to be insignificant in its impact, the Board may waive the site visit. Site visits are not open to the public. Board members may ask factual questions of the applicant at the site visit, but no discussion or deliberation amongst the board or between the board members and the applicant should take place.

SECTION 4.3: HEARING PROCEDURE

The Board shall schedule a public hearing within 65 days of the date of filing, unless the petitioner agrees in writing to an extension of this time period. Any such written agreement shall be filed with the City Clerk.

SECTION 4.4: APPEARANCE

All hearings shall be open to the public. No person shall be excluded unless they are ruled out of order and are disrupting the meeting or hearing or are determined by the Chair to be a "serious hindrance" to the Board's work. Any person may appear on their own behalf or be represented by an agent or attorney-in-fact who may (but need not) be an attorney-at-law. If the applicant or representative is not present without due cause, the Board, in its discretion, may act based on the information before it, may continue the hearing or may declare the petition withdrawn without prejudice.

SECTION 4.5: WRITTEN STATEMENTS

Written information, by the applicant, or public regarding an application shall be submitted either to the Planning Department prior to the public hearing or at the public hearing. Such written statements shall be public records open to examination and may, but need not, be read publicly at the hearing provided it does not exceed the speaking allotted members of the public present at the meeting. The Board may also receive and consider written statements submitted to the Planning Department after a meeting at the Board's discretion provided the hearing has not been closed.

SECTION 4.6: PROCEDURE AT HEARINGS

The primary purpose and intent of a Planning Board public hearing is to gather information that will be used to make a decision on the matter before the Board. The Board shall allow a limited time for each public hearing. Often the Board has a very full agenda, so presenters should be, brief and non-repetitive.

The Chair shall open the hearing and then shall proceed in the following order:

- a) Applicant's presentation;
- b) Statements by other City entities;
- c) Questions from the Board;
- d) Comments and questions from the public;
- f) applicant's response;
- g) final comments and questions from the public, applicant and Board, in that order.

Each person, before commenting, shall state their name and address and representative capacity, if any. The members of the Board may ask questions at any time during the public hearing. The final step is to determine the unresolved issues and assign a particular date and time for each topic to be fully discussed at an upcoming meeting.

All statements at the hearing will be made to the Chair and all questions must be posed through the Chair. No dialogue between persons attending the hearing will be permitted. Except to answer a specific question at the request of the Board, no person will be recognized more than once until after everyone who desires to be heard has had the opportunity to speak. Every speaker is encouraged to be concise and to avoid repetition; a speaker may join in or incorporate by reference any statement previously made. All materials exhibited to the Board, or true copies thereof, shall be retained as part of the Board's files.

This process allows the Planning Board to maximize the amount of information that is given at each hearing and helps to make a better, more informed decision.

SECTION 4.7: CONTINUATION OF HEARING

Whenever the Board deems postponement or continuation to be desirable for orderly administration of the Zoning By-Law, the Board may continue the hearing to a date and time certain. If the date and time of continuation is announced during the originally scheduled hearing, such continued hearing may be held without further application or notice or advertisement.

ARTICLE V – SITE PLAN REVIEW AND SPECIAL PERMIT DECISIONS

SECTION 5.1 : REVIEW CRITERIA

The Board shall use the review criteria and design guidelines found in the subsections of Section XI for Site Plan Review, and applicable Special Permits. Applicable criteria found in these Rules and Regulations and any other sections of the Zoning Bylaw will be used in reviewing and making a decision.

SECTION 5.2: VOTING REQUIREMENTS

- a) Special Permit: The concurring vote of at least five (5) members of the board shall be required for any decision on a Special Permit application.
- b) Site Plan Review: The concurring vote of the majority of the Board participating and voting shall be required for any decision on a site plan application (abstaining members are not counted). Only members who were in attendance at the public hearing may vote on any motion regarding an application.

SECTION 5.3: DECISION AND FINDINGS

For each application, the Board shall file a formal written memorandum, signed by the members sitting which sets forth the Board's findings and conclusions and the reason or reasons for the Board's decision and actions. Any vote or decision in the absence of such a memorandum is preliminary.

The Board's written decision shall consist of either:

- a) Approval of the application based on specific findings that the project meets all of the necessary sections of the Bylaw.
- b) Denial of the application based on a finding that either: (i) insufficient information was submitted with the application in order for the Board to adequately review the proposal; or (ii) a determination, based on specific findings, that the project does not meet the applicable sections of the Zoning Bylaw.
- c) Approval of the application, subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with appropriate sections of the Bylaw.

The Board's decision shall be filed with the City Clerk and sent to the applicant within ninety (90) days of the closing of the public hearing, unless extended by written agreement with the applicant, said agreement to be filed with the City Clerk.

The Board's decision shall be effective and the two (2) year timeframe to exercise the rights authorized by the permit shall begin on the date the signed memorandum, that has been certified by the City Clerk, that twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied. Provided, the memorandum shall be filed within fourteen (14) days of the date of the vote, for grant or denial of an application.

Notice of the decision shall be made in accordance with Chapter 40A, Section 11.

SECTION 5.4: APPROVAL

Some decisions may require additional final plans to be submitted and approved by the Board. The sole purpose for such approval is to ensure that the applicant or petitioner understands and will properly implement the Board's decision. Final plans require a signature of the Board.

SECTION 5.5: RECORDING

All decisions by the board must be recorded within twenty (20) days at the South Essex Registry of Deeds at the applicant, appellant or petitioner's expense, absent any appeal.

SECTION 5.6: OTHER REQUIREMENTS

The decision of this Board relates only to Zoning By-Law requirements and does not excuse the applicant from compliance with the building code and all other applicable laws, By-Laws and regulations. Despite favorable action of the Board, each applicant, appellant or petitioner must secure a building permit as the case may be and all other necessary approvals and permits from other City entities, including, but not limited to, the Board of Health, the Zoning Board of Appeals and the Conservation Commission.

SECTION 5.7: MODIFICATION OF DECISION

In order to correct typographical or other clerical errors, any decision may be modified by the Board without reapplication or public hearing. In the case of an appeal to the court pursuant to Chapter 40A Section 17 or for other good cause shown,

extensions of the limitation of variances or special permits imposed by Sections 10 and 9, respectively, of Chapter 40A or by the Zoning By-Law may be granted by the Board upon application prior to the extension date of such variance or special permit as provided by Chapter 40A.

ARTICLE VI - GENERAL

SECTION 6.1: EFFECTIVE DATE

The Planning Board Rules and Regulations shall take effect on the date adopted by the Board. No amendment to their rules shall be applicable with respect to any application, appeal or petition filed with the City Clerk before such amendment is adopted by the Board. The rules in effect at the time an application, appeal or petition is filed shall, despite any amendment, govern all proceedings with respect to that application, appeal or petition.

SECTION 6.2: AMENDMENT

These rules may be amended at any time by the affirmative votes of a majority of the Board.

SECTION 6.3: WAIVER

The Board may, by unanimous vote, waive any provision in a particular case for good cause shown, provided that such waiver shall not be inconsistent with any provision of the Zoning By-Law or the General Laws.

SECTION 6.4: RECORDS

The docket of the Board shall be kept current and posted in a well-bound book containing the number of the application, the name of the applicant, appellant or petitioner a short description by street number or otherwise of the premises and the final disposition. All continuances, postponements, dates of sending notices, dates of advertisements, date of hearing, decision, filing and notice of sending of decision, other steps taken and acts done shall be noted on the docket. Digital records of the same shall be kept in a durable manner.

SECTION 6.5: MINUTES

The minutes of the Board shall include the record of all meetings and hearings, the decisions relating to each case, the vote of each member, those absent being so marked and all other official actions of the Board.

SECTION 6.6: ORDER OF BUSINESS

The order of business at all regular meetings of the Board may generally be as follows:

- 1) Disclaimer and Roll call;
- 2) Approval of minutes of previous meeting; and
- 3) Sign applications
- 4) Pre-applications
- 5) City Council Referrals
- 6) Unfinished/ Continued Public Hearings;
- 7) New Public Hearings;
- 8) Communications
- 9) Report of Committees
- 10) Other Administrative items

