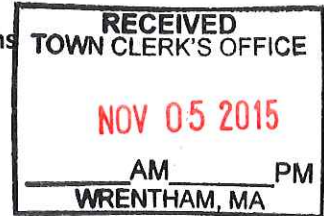


**Wrentham Planning Board**  
**Rules & Regulations Governing Special Permits and Site Plans**

Adopted July 20, 2011, Revised November 4, 2015



**SECTION 1. INTRODUCTION**

- 1.1 Purpose and Authority.** The following rules are hereby adopted by the Wrentham Planning Board as provided in Chapter 40A, Section 9 of the Massachusetts General Laws ("MGL"), for the purpose of establishing uniform procedures for the granting of Special Permits.
- 1.2 Effective Date, Severability and Amendment.** These Rules & Regulations Governing Special Permit and Site Plans were adopted at a regularly scheduled Planning Board meeting November 4, 2015, and became effective as of the date of filing with the Town Clerk.

These Rules & Regulations supersede all previous Special Permit Rules & Regulations as they may have appeared in the Wrentham Zoning By-laws and any listings which may have been compiled from time to time for the benefit of applicants.

Reference is made to MGL, Chapter 40A, as amended, which includes additional requirements and provisions with respect to the issuance of Special Permits. To the extent that any provision of these Special Permit Rules & Regulations is inconsistent with MGL, Chapter 40A, MGL, Chapter 40A shall control. If any provision of these Special Permit Rules & Regulations is found to be invalid or void, it shall not affect any other provision of these Special Permit Rules & Regulations.

These Rules & Regulations may be adopted and from time to time amended by majority vote of Board members present and voting, provided such adoption or amendment is taken at a duly posted meeting and shall file a copy of said rules in the office of the Town Clerk.

- 1.3 Waiver of Full Compliance.** Full compliance with these Rules & Regulations may be waived by a vote of the Planning Board provided such waivers are deemed to serve the public interest and are not conflicting with MGL, Chapter 40A. Requested waivers shall be submitted in writing at the time of application (waiver request form).
- 1.4 Petitioner or Applicant.** An application for a Special Permit may be brought by a property owner, agent, or prospective purchaser who submits certification (such as an executed purchase and sales agreement) or property interest and authority to file.
- 1.5 Parties in Interest.** Parties in Interest, for the purposes of these Special Permit Rules & Regulations, shall be as specified in MGL, Chapter 40A, Section 11 and shall also include the applicant and plan preparer.

**SECTION 2. PLANNING BOARD AS SPECIAL PERMIT GRANTING AUTHORITY**

- 2.1 Members.** When the Planning Board acts as a Special Permit Granting Authority, such Special Permit Granting Authority shall consist of the seven (7) elected Planning Board members. The Planning Board officers shall fill the same positions on the Special Permit Granting Authority as they do as Planning Board members.

**2.2 Quorum.** When acting as a Special Permit Granting Authority, the quorum for the purpose of conducting Public Hearings or other business shall be five (5) members.

**2.3 Mullin's Rule Exception.** In November 2009, Wrentham Town Meeting adopted the provisions of MGL Chapter 39, Section 23D which stipulates that 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.

Unless MGL Chapter 39, Section 23D (Mullin's Rule exception) is exercised, Board members are required to be present at all public hearings, including continued public hearings, to be eligible to have their vote counted in the requisite super-majority to grant.

**2.4 Submission Requirements.** The Board hereby adopts all submission requirements and performance standards of Article 7, and when applicable, Article 9 of the Zoning By-laws of the Town of Wrentham.

PDFs of all plans shall be submitted at the time of application, and each time a revision is made to the plan. Word files of all narrative documents submitted shall be provided to the Planning Board at the time of application, and each time a revision is made.

Prior to the close of public hearing on a Special Permit and/or Site Plan Approval application, the Applicant shall provide to the Board a written document specifically describing how the project satisfies each of the criteria contained in Article 7.7 (Site Plan Approval) and Article 9.2 (Special Permit) of the Zoning Bylaw. For Special Permits governed by other sections of the Zoning Bylaw (e.g., earth removal, aquifer, etc.), the narrative shall also address the specific criteria outlined in the relevant section of the Zoning Bylaw.

**2.5 Public Hearing Notice.** The Planning Board or its designee shall set the date, time, and place of the public hearing, and shall prepare a legal notice for the applicant's use.

- A. The legal notice of the hearing shall be published by the applicant, at the applicant's expense, in a local newspaper of the Planning Board's choosing in accordance with MGL Chapter 40, Section 11, as amended, and according to application procedures described in the Zoning Bylaw.
- B. No less than 21 days prior to the public hearing, the applicant shall provide the Planning Office with envelopes, each containing the legal notice provided to the applicant by the Planning Board. These envelopes shall be stamped and addressed to each abutter on the abutters list. The envelopes should be unsealed when delivered to the Planning Office.
- C. After verifying the contents of the abutter notification envelopes, the Planning Office will seal and mail the abutter notification envelopes.
- D. Additionally, the applicant shall provide the Planning Office with one complete set of labels containing all abutters, including the Planning Boards of all adjacent communities.

- 2.6** Where the Planning Board serves as the special permit granting authority, it shall consolidate its site plan review and special permit procedures.
- 2.7** The Board may require individuals who are testifying to give that testimony under oath, and may employ the services of a court stenographer.
- 2.8** The failure of the Applicant to submit all materials required at the time of the original submission, or the failure to submit any materials requested at the time of the hearing, may, by determination of the Planning Board, result in the application being deemed incomplete and no further action will be taken.
- 2.9** By a majority vote of the sitting Board, the Board may require additional information be provided and extend the public hearing, within statutory guidelines, to provide the opportunity to receive such information.
- 2.10** Copies of all materials, reports, plans, etc., shall be made available by the applicant to all parties in interest, but solely at the expense of the parties in interest.
- 2.11** Applications to the Planning Board shall be submitted to the Planning Office no less than eight (8) business days prior to the meeting at which acceptance by the Board is being requested.
- 2.12** Any item to be submitted by an Applicant in support of a previously filed application shall be submitted to the Planning Office and to any consultant retained by the Planning Board no less than ten (10) business days prior to the date of the continued public hearing.