



TOWN OF HOPKINTON

OFFICE OF
BOARD OF APPEALS

TOWN HALL
18 MAIN STREET – 3RD FLOOR
HOPKINTON, MASSACHUSETTS 01748-3209

WAYNE R. DAVIES, Chairman
ROBERT W. FOSTER, Vice Chairman
THOMAS J. GARABEDIAN, Clerk

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January 13, 2005

Elaine Lazarus
Town Planner
Zoning Advisory Committee

Re: Concurrent Plan Reviews

Dear Elaine:

Last night the Board of Appeals unanimously voted to send the attached Proposed Zoning By-law Change over to ZAC for its consideration. As you know, this year the Selectmen made it a goal for the various Boards and departments to work closer together in the permitting area. We are hopeful that the attached can serve as a starting point for discussions on this topic. The Proposed By-law change would provide for **voluntary "concurrent review of plans"** when Applications for Special Permits are filed with the Board of Appeals and the project also requires Site Plan review by the Planning Board or a filing with the Conservation Commission. The proposal also provides for the sharing of the Board of Appeals' engineering consultants with the Planning Board in the event that a 53G account contribution is required by the Board of Appeals. We are hopeful that this process will discourage "duplicated" plan reviews.

Please let me know when ZAC may be able to put this proposal on its agenda for discussions.

Thank you.

Very truly yours,

Wayne R. Davies, Esq.,
Chairman



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Proposed Zoning By-Law January 12, 2005

Article XXII Appeals

210-148.1 Concurrent Plan Reviews

A. The purpose of this Section is to provide for concurrent reviews of plans which would assist an Applicant through the town's permitting process in a more effective and cost efficient manner, and to provide for more informative and meaningful public hearings before the Board of Appeals, the Planning Board, and the Conservation Commission.

B. Upon receipt of any Application for Special Permit or Petition for Variance for a project that is subject to Site Plan Review under Article XX of these by-laws or that is subject to review by the Conservation Commission under the state Wetlands Protection Act or related town by-law, the Board of Appeals shall determine:

1. whether Site Plan Review by the Planning Board during the pendency of the public hearing before the Board of Appeals as provided for in Section 210-149 is necessary or advisable for an efficient review process. If such determination is made by the Board of Appeals, the Applicant or Petitioner shall be notified in writing of such determination by said Board. Such determination shall constitute a waiver of, or grant of relief from, the Site Plan Review Decision Criteria that requires that all Special Permits and Variances must be granted prior to approval of site plans by the Planning Board (Section 210-136 G). In said Notice of Determination, the Applicant or Petitioner shall be requested to voluntarily file, within ten (10) days of receipt of said notice from the Board of Appeals, an Application for Site Plan Review with the Planning Board pursuant to Section 210-135.

2. whether review of plans by the Conservation Commission during the pendency of the public hearing before the Board of Appeals as provided for in Section 210-149 is necessary or advisable for an efficient review process. If such determination is made by the Board of Appeals, the Applicant or Petitioner shall be notified in writing of such determination by said Board. In said Notice of Determination, the Applicant or Petitioner shall be requested to voluntarily file, within ten (10) days of receipt of said notice from the Board, an Application with the Conservation Commission.

The Board of Appeals shall give due consideration to an Applicant or Petitioner's requests for continuance of the public hearing before the Board of Appeals during the pendency of the public hearings before the Planning Board and Conservation Commission.

C. To the extent feasible and practical, the Board of Appeals, the Planning Board, and the Conservation Commission shall conduct "concurrent" reviews of plans and shall cooperate and establish time frames and target dates for anticipated completion of their independent reviews. If advisable in the interest of efficiency, joint public hearings shall be held between or among the various boards. In the event that the Board of Appeals shall retain a consultant and impose a "Consultant Review Fee" pursuant to its Rules and MGL c. 44 s. 53G, the Board of Appeals may make such consultant available to the Planning Board for its review under Site Plan Review.

D. Nothing herein shall be construed to alter the strict time requirements for filing of decisions or the various powers, duties, and responsibilities of the Board of Appeals, Planning Board, or Conservation Commission pursuant to state statute and the town's various by-laws.