

To: Ordinance Review Committee
From: Mark Eyerman
Subject: Notice Requirements
Date: Updated April 22, 2021

At the last meeting we reviewed possible ways to address concerns about abutters/neighbors having notice of Planning Board meetings and workshops when development proposals are discussed and with being able to participate in the process early before a formal application is submitted. We looked at three possible changes to the ordinance:

1. Create a “generic” notice requirement in Section 6.3 that requires the Planning Board to provide written notice to abutters/neighbors of any Planning Board meeting, workshop or site walk at which a development proposal or potential development proposal will be discussed if there are no applicable requirements for an applicant to provide written notice. In most cases the applicant is required to provide written notice but there may be a few situations where that is not required.
2. Require an applicant that requests an informal review of a development proposal by the Planning Board to provide written notice to abutters/neighbors.
3. Create a provision for a required informal neighborhood meeting prior to the submission of an application to the Planning Board for larger projects subject to Site Plan Review and Major Subdivision Review.

Here are possible amendments to address those three areas:

1. Amend Section 6 to add a new Section 6.3.7 Notice of Planning Board Meetings to read:

6.3.7 Notice of Planning Board Meetings

Written notice of any meeting of the Planning Board including workshops and site walks at which a development proposal or potential development proposal will be discussed shall be provided to all property owners within two hundred (200) feet of the subject parcel where the development activity may occur. If other notice provisions of Sections 6 and 14 do not require an applicant to provide such written notice, the City on behalf of the Planning Board shall provide the notice. Notice provided by the City under this provision shall be mailed by first class mail to the owners of record as shown on the City’s property tax records at least fourteen (14) days prior to the meeting. The notice shall contain the date, time, and place of the meeting and a brief explanation of the development or potential development proposal to be discussed. Failure of any property owner to receive such notice from the City shall not delay the meeting or invalidate any action taken at the meeting.

2. Amend Section 6.4.5.1 to read as follows:

6.4.5.1 An applicant for site plan review may request an informal sketch plan meeting with the Planning Board prior to submitting a formal application. The applicant requesting an informal meeting shall inform the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board and ask to be placed on the Board's agenda. The Code Enforcement Officer shall place the request on the Board's agenda for consideration. If the Planning Board agenda is extensive, the Code Enforcement Officer may schedule the sketch plan consideration for the following regularly scheduled meeting of the Planning Board. The applicant shall provide written notice of the Planning Board meeting at which the sketch plan will be discussed to property owners in accordance with 6.4.6.5. The applicant shall not be required to meet any submission requirements for the sketch plan meeting.

3. Amend Section 6.4.5.2 to read as follows:

6.4.5.2 Neighborhood Meeting. The Planning Board shall host a neighborhood meeting for any application or potential application for a project requiring site plan review prior to any other consideration of the project by the Planning Board. The neighborhood meeting shall be an informal session to allow the potential applicant to discuss the concept for the project and for neighbors to provide feedback on the development concept. The City on behalf of the Planning Board shall provide written notice by first class mail to all property owners within two hundred (200) feet of the development parcel as shown on the City's property tax records. The neighborhood meeting shall be convened by the Chair of the Planning Board but shall be directed by the potential applicant or her representative(s). There are no requirements for what information the potential applicant must provide at the meeting. Members of the Planning Board may attend the meeting as observers but shall not participate in the discussion. The potential applicant shall provide for the audio or video taping of the neighborhood meeting and shall provide a copy or transcript of the recording to the Planning Department within ten (10) days of the meeting.

6.4.5.3 Following the neighborhood meeting, ~~a~~An application for Site Plan Review shall follow the procedures for Planning Board Review (see **6.4.4**).

4. Amend Section 14.5.8.4 to read as follows:

14.5.8.4 Major Subdivision Review Procedures

Prior to the submission of any application materials for a major subdivision, the Planning Board shall host a neighborhood meeting on the potential application prior to any other consideration of the project by the Planning Board. The neighborhood meeting shall be an informal session to allow the potential applicant to discuss the concept for the project and for neighbors to provide feedback on the development concept. The City on behalf of the Planning Board shall provide written notice by first class mail to all property owners within two hundred (200) feet of the development parcel as shown on the City's property tax records. The neighborhood meeting shall be convened by the Chair of the Planning Board but shall be directed by the potential

applicant or her representative(s). There are no requirements for what information the potential applicant must provide at the meeting. Members of the Planning Board may attend the meeting as observers but shall not participate in the discussion. The potential applicant shall provide for the audio or video taping of the neighborhood meeting and shall provide a copy or transcript of the recording to the Planning Department within ten (10) days of the meeting. Once the neighborhood meeting has been held, the applicant may proceed to step one of the formal review process.

The formal review process for a major subdivision is a three step process. Step one is the submission and review of a Site Inventory and Analysis. Upon the completion of the review of the Site Inventory and Analysis, the Planning Board will authorize the applicant to proceed to step two, the submission of a formal preliminary application and supporting documentation. The City will not accept or process an application for preliminary plan review of a major subdivision until a review of the Site Inventory and Analysis has been completed. Following the approval of the preliminary plan, the Planning Board will authorize the applicant to submit the final plan, step 3 in the process.