

ARTICLE XII**43D Expedited Permitting [Added 10-25-2011 ATM, Art. 12]****§ 173-53. through § 173-69 (Reserved) ^{EN}**

[Editor's Note: Former Article XII, Planned Unit Development, added 9-27-1998 STM, Art. 23; was deleted 10-28-1997 ATM, Art. 24]

§ 173-53. 43D Expedited Permitting

In accordance with the provisions of Chapter 43D of the General Laws, as amended, the Town of Northbridge hereby establishes an expedited permitting process for sites that have been designated as Priority Development Sites (PDS) in accordance with the statute. Review of development on these sites will be conducted in accordance with the provisions of the statute, this Article and local regulations and guidelines adopted for such developments.

A. Purpose and General Information

1. **The** purpose of this Article is to provide for expedited permitting for Priority Development Sites, as designated by Town Meeting and approved pursuant to G.L. c. 43D, including appropriate procedures for any proposed changes to a plan or facilities after the issuance of a permit. Other objectives of this Article are to:
 - a. Increase clean, diverse and geographically focused commercial and industrial activities;
 - b. Strengthen Northbridge's tax base;
 - c. Target appropriate development sites for commercial or industrial development;
 - d. Promote and increase the visibility of Northbridge as a community open to assisting appropriate commercial and industrial development;
 - e. Provide an efficient process for municipal land use permitting; and
 - f. Guaranty permitting decisions on Priority Development Sites within 180-days of application.

§ 173-54. Definitions

For purposes of this Article, and regulations promulgated pursuant hereto, the following definitions shall apply. To the extent that there may be any conflict between the definitions set forth in this section and Chapter 43D or regulations promulgated pursuant thereto, the terms of said Chapter 43D or such regulations shall govern.

GOVERNING BODY -- The Board of Selectmen

INTERAGENCY PERMITTING BOARD -- The Board, as described in G.L. c. 23A, §62, established to review and approve or deny municipal priority development site proposals and to award and administer technical assistance grants.

ISSUING AUTHORITY -- Any local board, commission, department, or other body of the Town of Northbridge that is responsible for issuing permits, granting approvals, or otherwise involved in land use development, including redevelopment of existing buildings and structures.

PERMIT -- A permit, formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use or development of land, buildings, or structures, required by any Issuing Authority including but not limited to those under statutory authorities contained in G.L. c. 40A; G.L. c. 41, §§81A to 81J, inclusive, and §§81X to 81GG, inclusive; G.L. c. 131, §§40 and 40A; G.L. c. 111, §§26 to 32, inclusive; G.L. c. 40C; G.L. c. 148, §§13 and 14; St. 1975, c. 772, or otherwise under state law or a Northbridge by-law, and all associated regulations, by-laws and rules, but not including building permits or approvals pursuant to G.L. c. 41, §§81O to 81W, inclusive. "Permit" shall not include: the decision of an agency to dispose of property under its management or control; predevelopment reviews conducted by the Town or a Technical Review Team; or permits granted by the Massachusetts Water Resources Authority.

PRIORITY DEVELOPMENT SITE -- A privately or publicly owned property that is designated as a priority development site by the Interagency Permitting Board.

SECRETARY- The Secretary of the Executive Office of Housing and Economic Development

TECHNICAL REVIEW TEAM -- An informal working group consisting of representatives of the various Issuing Authorities designated by the heads of the appropriate Issuing Authorities to review requests submitted under this Article. A Technical Review Team shall not include members of the Town's Zoning Board of Appeals.

§ 173-55. Overlay District

A. Establishment.

The Chapter 43D Priority Development Site Overlay District, hereinafter referred to as the PDSOD, is an overlay district identified as land situated

at 1164 Main Street (Assessors' Map 1, Parcel 113); 1110 Main Street (Assessors' Map 1, Parcel 114); 1096 Main Street (Assessors' Map 1, Parcel 115); 1160 Main Street (Assessors' Map 1, Parcel 185); Parcel on Main Street (Assessors' Map 1, Parcel 199); 670 Linwood Avenue (Assessors' Map 5, Parcels 39 and 47) that is superimposed over the applicable underlying and other overlying zoning districts. A map delineating the PDSOD is on file in the Office of the Town Clerk and is hereby made a part of the Zoning By-law.

B. Underlying zoning.

The PDSOD constitutes an overlay district superimposed on all applicable underlying and other overlying zoning districts. Except as otherwise provided in this Article or elsewhere in the Zoning Bylaw, the requirements of the underlying and other overlying zoning districts, and all requirements and procedures pertaining thereto that are not inconsistent with this Article shall remain in full force and effect.

§ 173-56. Applicability

An applicant for a project located within the PDSOD may seek expedited review and approval in accordance with the requirements of this Article. In such case, notwithstanding anything to the contrary contained elsewhere in this Zoning Bylaw or any other Town bylaw or regulation that pertains to time frames for action by any municipal board or commission, review will be undertaken and completed within the time frames set forth herein and in accordance with any regulations and guidelines adopted hereunder.

§ 173-57. Review Periods

1. Priority development permit reviews and final decisions shall be completed within 180 days, subject to an extension provided for herein. The time period shall begin the day after the issuance of the notice that the application materials are complete. The Governing Body shall notify the applicant in writing within 20 business days from receipt of the completed application of additional information needed or requirements that it may specify. The resubmission of the application or the submission of such additional information required by the Governing Body shall commence a new 20-day period for review of the additional information.
2. If, at any time, an Issuing Authority determines that a permit or other predevelopment review is required which it did not previously identify, it shall immediately notify the applicant by certified mail and shall, where public notice and comment or hearings are not required, complete action on the application filed for the previously unidentified permit within 30 days of receipt of the completed application or not later than the latest required decision date for a pending permit, whichever is later. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows. The failure of the Governing Body to notify an applicant of the requirement of a public hearing or comment period shall not constitute a waiver of the requirement.
3. The 180-day time period may be waived or extended for good cause upon written request of the applicant with the consent of the governing body or upon written request of the Issuing Authority with the consent of the applicant. The 180-day period may be extended for up to 30 days by the Governing Body in the event an additional permit or other predevelopment review is required if the requirement for the previously

unidentified permit or review has been determined no less than 150 days after the issuance of a notice of completeness. The 180-day time period shall be extended when the Issuing Authority determines (1) that action by another federal, state or municipal government agency is required before the Issuing Authority may act; (2) that judicial proceedings affect the ability of the Issuing Authority or applicant to proceed with the application; or (3) that enforcement proceedings that could result in revocation of an existing permit for the facility or activity or denial of the application have been commenced. In those circumstances, the Issuing Authority shall provide written notification to the Secretary. When the reason for the extension is no longer applicable, the Issuing Authority shall immediately notify the applicant, and shall complete its decision within the time period specified in this section, beginning the day after the notice is issued.

4. An Issuing Authority may not use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and met all other obligations in accordance with this Article.

§ 173-58. Fees

The applicant shall submit fees for each permit that has been determined necessary by the Town Planner under applicable bylaws, laws and regulations. A permit coordination fee of \$200 shall also be submitted to cover the cost of administration of this coordinated process.

§ 173-59. Automatic Grant of Approval

1. Failure by any Issuing Authority to take final action on a permit or approval within the 180-day period or extended time, if applicable, shall be considered a grant of the relief requested of that Issuing Authority. In that event, within 14 days after the date of expiration of the time period, the applicant shall file an affidavit with the Town Clerk, attaching the application, setting forth the facts giving rise to the grant and stating that notice of the grant has been mailed, by certified mail, to all parties to the proceedings and all persons entitled to notice of hearing in connection with the application.
2. The grant shall not occur where: (1) the Governing Body has made a timely determination that the application is not complete in accordance with its requirements and notified the applicant as set forth herein and the applicant has not made a timely response to complete the application; (2) the Governing Body has determined that the final application contained false or misleading information; or (3) the Governing Body has determined that substantial changes to the project affecting the information required to process the permit application have occurred since the filing of the application.

§ 173-60. Transfers, renewals, permit modification requests, expiration

1. Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the Issuing Authority. Issuing Authorities having substantive jurisdiction over permit issuance may develop procedures for simplified permit renewals and annual reporting requirements. If the procedures are not developed, renewals of permits shall be governed by the same procedures and timelines as specified in this Article and regulations adopted hereunder.

2. Issuing Authorities shall make a reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An Issuing Authority shall inform an applicant within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial or additional information is required by the Issuing Authority in order to issue a decision. If additional information is required, the Issuing Authority shall inform an applicant within 20 business days after receipt of the required additional information whether the modification is approved or denied or that additional information is still required by the Issuing Authority in order to render a decision. In cases in which the Issuing Authority determines that a requested modification is substantial, the original review period for permit categories as set forth in this Article shall apply.
3. Permits issued pursuant to this Article shall expire 5 years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of one building shall preserve the permit validity. Changes in the law subsequent to the issuance of permits shall not invalidate the permits. Nothing in this section shall limit the effectiveness of G.L. c.40A, §6.

§ 173-61. Permitting Process and Submittal Requirements, Regulations

1. The Town Planner shall serve as the Single Point of Contact for the purpose of coordinating and facilitating the expedited permitting process.
2. The Planning Board may periodically adopt or amend rules and regulations relating to the procedures under and administration of this Article, by majority vote of the Board, after conducting a public hearing to receive comments. Such hearing shall be advertised twice in a newspaper of general, local circulation, the first publication to be at least 14 days prior to the hearing date.

§ 173-62. Severability

The provisions of this Article are severable and, in the event that any provision of this Article is determined to be invalid for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.