



## **An Abutter's Guide to the Conservation Commission Permitting Process**

The Southborough Conservation Commission (SCC) has prepared this guide to explain what you, as an abutter to a proposal which seeks to conduct work in or near wetlands, or seeks to perform work under the local Stormwater Bylaw, can expect during the SCC process for review of this proposal. It is not intended as a legal guide, but to help you understand how to participate in hearings, get information, and best communicate any concerns you may have. To reach the SCC, please contact our office at 508-485-0710, ext. 3024 or [conservation@southboroughma.com](mailto:conservation@southboroughma.com). We are located on the 2<sup>nd</sup> floor of the Town House at 17 Common Street. The SCC office is staffed by a Conservation Agent.

### **Why am I Receiving This Notice?**

You are receiving this notice because you are an abutter (as defined by law) to a proposal to conduct work in or near wetlands or under the local Stormwater Bylaw, that is being reviewed by the SCC. The notice is required by law to let you know that a public hearing will be held regarding this proposed activity.

### **How Can I Find Out More About What is Proposed?**

An application and supporting materials are on file at the SCC office. We also typically require applications and supporting materials to be submitted to us electronically. You are welcome to request to view this information. Our office is generally open Monday - Thursday from 8:30 -4:30 pm. Since we are sometimes conducting site visits or at off-site meetings, it is best to make an appointment to review a file to ensure that staff will be available, or to ask for it electronically.

### **What Should I Expect at the Public Hearing?**

At the first hearing, the applicant or property owner will present plans and explain to the SCC and the audience, details of what is being proposed. The SCC members will ask questions. The SCC consultant(s) will share their comments and findings. There will be an opportunity for those in the audience to ask questions or offer opinions. Comments may also be submitted in writing at or before the hearing.

Since the SCC often hears several projects in an evening, it is possible that a hearing may not be concluded in one meeting. This is often dependent on the complexity, size, and scope of the proposed project, the comprehensiveness of the materials submitted, and the possible need for plan revisions. Depending on these factors, the hearing may be either closed (if there is no more information that needs to be received) or continued (if the SCC needs additional information to make a decision). Continued hearings may be several weeks or months in the future depending on how long it takes the applicant to gather the required information, and the SCC's workload. You will **not** receive notice of the continued hearing date; however, the town website does offer the option of signing up for e-alert notifications when meeting agendas and minutes are posted: <http://www.southboroughtown.com/subscribe>.

### **How Can I Make My Concerns Known if I Cannot Attend?**

Comments can be submitted in writing at any time prior to the close of the public hearing. Copies will be provided to the SCC members. As with all testimony (oral and written), it is most helpful to raise concerns early in the process.

### **What Happens After the Hearing?**

After the hearing and the record are closed, no new information can be submitted. The SCC deliberates and issues their decision – called an Order of Conditions or a Stormwater Management Permit – at a Commission meeting, usually within 21 days of closing the hearing. The Commission generally either

approves a permit with conditions, or issues a denial if the project cannot be adequately conditioned to protect wetland resource areas or stormwater discharges. Interested individuals are welcome to attend and listen to the Commission's deliberations, but may not make further comments.

### **What Issues Does the Commission Consider?**

The scope of issues that the Commission can consider in reviewing proposed projects is defined by state and local laws and regulations. In presenting testimony (oral or written) it is most helpful to focus on these issues.

### **Will I Be Notified of the Decision?**

Copies of decisions are not sent to abutters unless you have requested a copy via the Public Hearing sign-in sheet, or from the SCC office. The owner is also required to record the Permit at the Registry of Deeds, and the Town Clerk's office also retains a copy. Permits are generally valid for three years and may be extended by the SCC per receipt of a request from the applicant.

### **How Can I Appeal?**

Appeals of the SCC's decisions are handled in two ways. Appeals of decisions under the Wetlands Protection Act (called a Request for a Superseding Order of Conditions) must be made to the Department of Environmental Protection within 10 days using forms supplied by DEP. Appeals may be made by abutters, 10 residents of the community or the Department of Environmental Protection. Appeals under the Town of Southborough Wetlands Protection Bylaw must be made to Superior Court by an aggrieved party, or the Zoning Board of Appeals for decisions made under the Southborough Stormwater Bylaw.

### **Suggestions for Presenting Testimony at Public Hearings**

- State your name and address for the record before you speak and each time you speak
- Feel free to use the proposed plan to point out concerns you may have so that the Commission can see the area to which you are referring
- Try to state all of your questions or concerns at once and then allow the next person to speak
- Be polite and respectful of differing opinions
- While you may have questions of the applicant, you should address them to the Commission
- Avoid personal attacks –stick to issues relating to the project and within the scope of the Commission's review. For example, issues like traffic and noise are outside of the Commission's purview
- Don't ask to speak again unless everyone has had a chance to be heard
- It is fine to just say "I agree with Mr. Smith about that drainage issue" rather than restating the same concerns
- Comments made at one hearing need not be repeated at subsequent ones unless they have not been addressed