THE LOCAL BOARDS WORKSHOP SERIES

IMPROVING LOCAL GOVERNMENT THROUGH BETTER INTERBOARD COMMUNICATION

JANUARY 15, 1990

SRPEDD
SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT
88 BROADWAY • TAUNTON, MASS. • 02780 • (508) 824-1367

The Local Boards Workshop Series:
Improving Local Government Through
Better Interboard Communication

SRPEDD

ADMINISTRATION

Stephen C. Smith, Executive Director

Thomas A. Pisaturo, Deputy Director

PRINCIPAL CONTRIBUTORS

William Napolitano, Senior Environmental Planner

SPECIAL TOPIC SPEAKERS

Marcia Benes, Executive Director
Massachusetts Association of Health Boards

Gregor I. McGregor, Esq.
McGregor, Shea & Doliner, P.C.

Jon Witten, Partner
Horsley Witten Hegemann, Inc.

SPECIAL THANKS TO

Jeffrey Osuch, Executive Secretary, Town of Fairhaven

David Janik, Massachusetts Coastal Zone Management, Southeast Office

SECRETARIAL

Anne M. Dufresne

This report and workshop series were made possible by a grant from the Buzzards Bay Advisory Committee and the EPA Buzzards Bay Project.

OVERVIEW OF THE LOCAL BOARDS WORKSHOP SERIES

Background

In August of 1989, the Town of Fairhaven received a grant from the Buzzards Bay Project for the purpose of conducting a series of informational workshops for town officials.

From September through December of 1989, the Southeastern Regional Planning and Economic Development District (SRPEDD) worked with the Town of Fairhaven to carry out the tasks described in the grant proposal, which are listed below (see "Objectives" and "Format").

At the conclusion of the workshop series, SRPEDD was to, in addition to workshop materials, prepare and provide a summary report to the town as well as to the Buzzards Bay Advisory Committee.

THE WORK PROGRAM

Objectives

The primary purpose of conducting the Local Boards Workshop Series was to help improve the quality of local and regional decision making by municipal boards. To accomplish this, SRPEDD set the following objectives:

1. assist boards in better understanding their role and legal responsibilities;

2. assist boards in better understanding the role and importance of other boards in the municipality and in neighboring municipalities;

3. assist boards in better understanding the environmental consequences of their actions; and

4. lay the groundwork for better communication and coordination among local boards within the community and within the region.

Format

The Town of Fairhaven, assisted by SRPEDD, held a series of workshops for the Board of Selectmen, Planning Board, Board of Health, Zoning Board of Appeals and Conservation Commission. Five workshops, held over a three month period on Monday, Tuesday or Wednesday evenings (when most boards were scheduled to meet), in the Fairhaven Town Hall. Members from all of the town boards were invited to attend, and the Selectmen encouraged attendance with a letter to each board member. In addition, participation was solicited from the Building Inspector, Assessor and officials from the neighboring towns of Rochester, Acushnet, Mattapoisett and Marion.

For each workshop, SRPEDD reserved a meeting room in the Fairhaven Town Hall, arranged for a guest speaker/seminar leader who is a recognized expert in their particular field, and obtained or prepared materials to complement the workshop and to give to the workshop participants. SRPEDD assumed the role of workshop leader for the fifth (wrap-up) seminar.

Each seminar followed the format listed below:

- discussion of each board's roles and responsibilities, including time of review; areas of conflicting/overlapping authority, etc.;
- discussion of the implications of decisions made by each board;
- discussion of how to better communicate the review among all the boards;
- question and answer period devoted to actual and/or theoretical issues related to the seminar topic.

A SUMMARY OF THE WORKSHOPS

Conservation Commissions (Gregor I. McGregor, Esq., and Peter Feuerbach, featured speakers)

On the evening of October 2, 1989, local (and regional) conservation commission officials were invited to attend a presentation b Mr. Gregor I. McGregor, Esq., and Mr. Peter Feuerbach of McGregor, Shea & Doliner. The

evening's presentation focused on the duties and powers of the conservation commission, elements of a sound enforcement policy (bylaws) and the integration of the said commission into community growth management and planning issues.

Highlights of the presentation of the derivation of local authority and avoidance of potential conflicts and litigation included:

- The Conservation Commission is the local body charged to enforce and uphold Massachusetts General Laws (MGL) Chapter 131, Section 40, the Wetlands Protection Act.

- The Massachusetts Home Rule Amendment enables a community to pass a local wetlands bylaw to determine whether and how to regulate activities in and around wetlands (as upheld in Louquist v. Conservation Commission of the Town of Dennis, 1979, where the Supreme Judicial Court recognized that the Wetlands Protection Act (MGL, Chapter 131, Section 40) affords a minimum of protection.

- Local bylaws can be zoning or non-zoning in format.

- In order to withstand/avoid legal battles over the imposition of undue hardship or arbitrary and capricious rulings on a landowner or developer under local bylaws, the local regulatory body should make sure that their regulation(s) meet the legal standards of "purpose," "means" and "reasonableness," specifically:

  -- the restriction must have a valid police power purpose (i.e., directly related to public health, safety or welfare);

  -- the local regulatory body must utilize a means to enforce the restriction which is consistent and reasonable within the intent (to protect public health, safety and welfare) to accomplish to police power purpose;

  -- the restriction must not deprive (have undue impact) a landowner or developer of all practical (reasonable) uses.

In order to function effectively within the framework of town government, Mr. McGregor advised that the conservation commission:

- Be professional in approach, record-keeping and conduct of public meetings;

- Be consistent in enforcement actions (this requires total familiarity with duties and responsibilities of one's office);

- Open lines of communications with other municipal boards, departments and officers (planning board, board of health, police, selectmen/city council, building inspector); this can be accomplished through meetings, presentations, handouts (including Massachusetts Association of Conservation Commission materials), etc.;

- Be visible; work to promote public education via visits to neighborhood groups, schools, local environmental/conservation/nature groups to explain what the conservation commission is, does, etc.; this also involves effective use of the media to publicize events, activities and meetings.

Finally, pertaining to working with the different municipal boards, Mr. McGregor suggested the following tactics:

- Make sure that members and/or agents (as appropriate) of the various municipal boards, dealing with land use issues, can generally identify what a wetland resource area looks like; this will help in alerting the conservation commission to potential violations;

- Work with the planning board to encourage the granting of conservation easements, restrictions, etc.; promote natural resource/conservation related zoning (cluster, floodplain, etc.);

- The building inspector's chief responsibility is to ensure that all building projects conform with local zoning regulations. The building inspector can be helpful to the commission in identifying projects which have a potential impact upon a wetland resource area;

- Work with the Board of Health to insure that on-site sentic systems and drainage will not adversely impact wetland resource areas, habitats, streams, etc. A consistent interpretation of the 100 foot buffer zone and setbacks from waterbodies and watercourses will also lend itself to more efficient enforcement procedures.

In his conclusion, Mr. McGregor urged the local board members to be cooperative; meet informally (perhaps a representative from each town board or department) on a regular (perhaps monthly) basis in order to stay abreast of changes in rules, regulations, interpretations and major growth management issues; conduct annual education workshops for parties regulated/protected by local bylaws and regulations.

NOTE: Mr. McGregor supplied a substantial packet of information to supplement his talk. In addition, the town purchased some $220.00 worth of materials for the libraries of the various town boards.

Boards of Health (Marcia Benes, Executive Director, Massachusetts Association of Health Boards, featured speaker)

On the evening of October 16, 1989, local (and regional) board of health officials were invited to attend a presentation by Ms. Marcia Benes, Executive Director of the Massachusetts Association of Health Boards (MAHB).

Ms. Benes' presentation, in keeping with the theme of this workshop series, focused on duties and powers of boards of health and their authority/need to work with other town/city boards and departments.

Ms. Benes first reviewed the boards' authority to regulate. Highlights of this overview included:

- Health Boards are charged to protect the public health and in order to carry this out, they develop, implement and enforce policies and regulations;

- These powers are granted pursuant to Massachusetts law and include statutory powers to develop regulations in the areas of environmental health; these powers are highlighted primarily in Massachusetts General Laws (MGL) Chapter 111, Section 31 (regulatory), Section 122 (nuisance), Section 127 (sewer connections and house drainage), Section 127A (sanitary code), Sections 31A and 31B (removal, transportation and disposal of refuse) and Section 143 (offensive trades);

- MGL Chapter 111, Section 31, is very broad in scope, granting local health boards the power to adopt "reasonable" health regulations;

- Under MGL Chapter 111, Section 122A, the board of health may act where there is an unsafe or inadequate supply of water for domestic purposes in places of habitation and in places where the public is furnished food or drink;

- Title V of the Sanitary Code provides that their board of health may adopt supplementary regulations if there are "specific identifiable local conditions" which require such actions. Furthermore, supplementary regulations can only enhance, and not detract from, the regulatory powers, provided under Title V.

Ms. Benes next outlined scenarios wherein the board of health either must, could or should work with other boards/departments. The following is a summary of this portion Ms. Benes' presentation.

- Working with Conservation Commissions - the opportunity exists here to work with the Conservation Commission in the siting of wells and septic systems (primarily concerning locating either of these structures within the 100 foot buffer zone provided by the Wetlands Protection Act); aquifer protection and nitrate/nitrogen loading (regarding drainage into wetlands, waterbodies, watercourses, etc., which could eventually have an adverse impact on public health and safety via contamination of a public drinking water supply);

- Working with the Planning Board - this occurs primarily in the area of subdivision review per MGL Chapter 41, Section 81U. Herein a board of health must review a definitive plan within 45 days of the filing of said definitive plan with the Planning Board. Failure to review constitutes an approval;

  Specific findings to be made by the board of health revolve around why areas shown on a plan cannot be used for building sites without injury to the public health. This review should include reasons thereof and recommendations for adjustments to problems where possible. A planning board cannot approve a plan which has been rejected in this manner by the board of health. A board of health can also specify that an approval is contingent upon certain areas having no building without approval from the board of health.

  If a planning board ignores or misinterprets a negative board of health report and approves a plan, the board of health can request reconsideration and revocation of the plan under MGL Chapter 41, Section 81W. This reinforces the need for natural understanding and open lines of communication between these (and all) boards.

- Briefly, the board of health can effectively interact with:

  -- Zoning Boards of Appeal in cases of impacts related to comprehensive permits;

  -- Building Inspectors (zoning enforcement officer) particularly where "change of use regulations" could have adverse impacts upon public health and safety (i.e., if restrictions are necessary for public health reasons, and happen to be more restrictive than zoning, the board of health regulations may govern, as referred to in the MAHB Private Well Protection Handbook).

Regarding this adopting of Board of Health Regulations, Ms. Benes discussed four points to remember, those being:

1. always site the authority for the regulation;

2. always give reasons as to why the regulation is needed;

3. always be clear and concise in your language...avoid the use of "if possibles," and;

4. provide for variances, fees and severability.

    a. When granting variances, be to the rule and consistent in interpreting the rules...your actions will be precedent setting! Remember the issues of public health and safety and environmental health!

Ms. Benes, through SRPEDD, distributed to town officials 36 copies of MAHB's Model Board of Health Regulations and Private Well Protection Handbook. She briefly covered innovative suggestions in each document and encouraged verbal and written comments from workshop participants. (Both of these documents are available from the Massachusetts Association of Health Boards, 56 Taunton Street, Plainville, MA 02762)

Planning Boards and Zoning Boards of Appeal (Mr. Jon D. Witten, Partner, Horsley, Witten, Hegemann, Inc., featured speaker)

On the evenings of November 8 and November 21, 1989, local (and regional) planning boards and zoning boards of appeal were invited to attend a presentation by Mr. Jon Witten, a partner in the firm of Horsley, Witten, Hegemann, Inc.

Mr. Witten's presentation focused largely upon the powers and duties of the above mentioned boards, particularly as delineated under Massachusetts General Law (MGL) Chapter 40A, "The Zoning Act," and Chapter 41, "The Subdivision Control Law." Mr. Witten provided each seminar participant 36 copies overall, (through SRPEDD), with an updated copy of each law with marginal notes to highlight key features and provide explanation/insight to the reader.

Mr. Witten's first session was held for the Zoning Board of Appeals (ZBA). The presentation began with an overview of 40A with more indepth analysis given to certain critical sections. These sections included:

- Section 14, "Power of the Board of Appeals" - A board of appeals shall have the following powers:

  1. To hear and decide appeals (in accordance with Section 8, Chapter 40A).

  2. To hear and decide applications for special permits upon which the board if empowered to act under said ordinance or bylaws.

  3. To hear and decide petitions for variances (as outlined in Section 10, Chapter 40A).

  4. To hear and decide appeals from decisions of a zoning administer, if any, in accordance with Sections 13 and 14 of Chapter 40A.

Section 9, "Special Permits," was discussed by Mr. Witten in terms of the difference between special permits and variances and the applicability of each under Chapter 40A.

Special permits are issued for uses which are anticipated to differ from existing zoning standards and are incorporated into the general zoning bylaw as such (i.e., for example, an elderly housing project, which may require a higher density than is normally permitted within the zoning district in which it would be located, would require a special permit in order to build).

Special permit granting is carried out by a Special Permit Granting Authority (SPGA), which can, under state law, either be the Planning Board, Selectmen or ZBA. The Building Inspector is the zoning enforcement officer and can deny projects on the basis of existing zoning standards. Any appeal in the case of such a denial should be referred to the Board of Appeals, as is appropriate.

Special permits may only be issued for uses which are consistent with the general purpose and intent of the zoning bylaw or ordinance and conditions established therein. Special permits may have set conditions regarding time limitations on a project; use restrictions; and related safeguards.

Mr. Witten also covered Section 10 of Chapter 40A, entitled "Variances." Section 10 explicitly states the three (3) conditions (tests) which shall be met in order to grant a variance. This is not an "either/or" circumstance! Conditions one and two and three must be met.

Most appeals for variances are not based upon a "by-right" or "anticipated" (such as special permit uses) use, but are based upon a perceived hardship for the requesting party. This hardship is created by strict enforcement of local zoning. Under such circumstances, many boards of appeal face confusion over the appropriateness of a special permit versus a variance. The ZBA should, in such instances, keep in mind what is considered a special permit use and what is required for a variance, (specifically, the three tests which are):

1. Enforcement of existing zoning would involve substantial hardship, and;

2. Relief may be granted without substantial detriment, and;

3. Relief may be granted without derogating from intent or purpose of regulation (herein, the party appealing to the board must state the specific regulation(s) from which he/she seeks exemption).

A variance may also contain conditions for safeguards and limitations of time and use, not including continued ownership.

In order to employ the processes outlined in Sections 9 and 10 smoothly, efficiently and consistently, Mr. Witten recommended that:

1. the SPGA should be clearly identified in the bylaw; in the case of two identified SPGA's, the role of each must be clearly identified as must be the procedure and order in which a project proponent must apply to each; this would also include the creation of a hierarchy of special permit functions which would have an overriding consideration in any given zoning circumstance;

2. ideally, the special permit granting and appeals authorities should rest with separate boards (usually ZBA and Planning); this would ensure an in town appeal process as an SPGA or appeal board cannot sit twice in decision on the same issue;

3. boards should be totally familiar with the distinction between special permit and variance processes, and;

4. excellent lines of communication should be opened up between the Building Inspector, Assessor's Office, Planning Board and ZBA in order to promote consistency in matters concerning the local zoning bylaw;

5. be cognizant of the words "shall" (being mandatory) and "may" (being discretionary) as they appear throughout Chapter 40A and 41 and their own local bylaws.

In reference to improved awareness and communication amongst the afore mentioned boards and departments, Mr. Witten referred workshop participants to Section 11 of Chapter 40A, paragraph three (which deals with mandatory referrals). Zoning bylaws or ordinances may provide that, in the case of special permit petitions, said petitions shall be submitted to and reviewed by one or more of the following and may further provide that such reviews are held jointly): the board of health, planning board, city/town engineer, conservation commission or any other city/town board or agency. Any agency or board participating in said review will forward comments to the SPGA within 35 days. Failure to comment within the prescribed time frame shall be deemed a lack of opposition.

In his subsequent presentation to planning boards, Mr. Witten reviewed the SPGA and variance procedures, as discussed with the ZBA, and offered planning board members some insights on the granting of special permits and variances. Mr. Witten also spent time reviewing MGL Chapter 41 in terms of planning board responsibilities. Planning boards were created under the auspices of MGL Chapter 41 (municipal planning and subdivision control acts) to plan for the

"resources, possibilities and needs" of Massachusetts' communities. Some of the planning board's responsibilities include:

- developing a master plan;
- conducting planning studies;
- serving as the special permit granting authority (SPGA) within zoning districts; (again, this power is derived under MGL Chapter 40A, Section 9, and did not include planning boards until 1975);
- governing the layouts of roads and parks;
- adopting regulations for reviewing subdivision plans including provisions for on-site and incoming drainage, public ways, public safety, etc.; the board may also require a construction bond to ensure that performance standards are met;
- reviewing (mandatory) all proposed zoning bylaws and amendments;
- developing and/or recommending zoning and non-zoning provisions including project design standards, performance standards, site plan review bylaws, etc.;
- submit recommendations for proposed new roads (MGL Chapter 82) in addition to regulation of roads within subdivisions.

In relating this presentation to his previous work with the ZBA, Mr. Witten next discussed the role of the planning board as an SPGA. Many towns prefer the SPGA to be in the hands of the planning board. This is due primarily to the planning board's overall knowledge of planning, zoning and subdivision issues. Selectmen are often busy with administration while ZBA's are more familiar with appeals due to hardship(s).

Mr. Witten informed attendees that special permits can be utilized only in compliance with the rules as stated under MGL Chapter 40A regarding discretionary controls. Again, it is the wording in the local zoning bylaw or ordinance which establishes the SPGA which is extremely important.

The planning board, by the nature of its work as well as inherent requirements for review under Chapter 41 (Subdivision Control), probably has the most opportunity of any town board to work closely with other town boards and departments. Mr. Witten suggested that in order to make the best use of these opportunities for interboard communication, that boards circulate agendas, review policies or other information relevant to cooperative interaction.

Finally, per request, Mr. Witten briefly discussed site plan review procedures.

The site plan review process allows the SPGA to review larger scale (usually industrial, commercial, etc.) projects which are not subdivisions. If these site plan review procedures are written into the zoning bylaw as a by-right or an additional review process, then the SPGA can use this procedure only to recommend modification (i.e. improved parking, layout of roadways, etc.), but not denial, of a project. However, if the site plan review procedure is written into the local bylaw as a special permit process unto itself, then the SPGA may use it to deny a project.

Wrap-Up Session (Bill Napolitano, Senior Environmental Planner, SRPEDD, guest speaker and discussion leader)

On Wednesday evening, December 6, 1989, Bill Napolitano spoke to workshop attendees in a wrap-up and planning session on improved communication and consistency in local government.

Mr. Napolitano began the evening by pointing out that despite all of the mechanisms for interaction discussed in previous workshops, unless there exists a reasonably up-to-date growth management plan (Master Plan), there will often exist a great deal of confusion over development related procedures and decisions involving zoning, conservation and planning questions. A twenty to twenty five year old Master Plan (although certain sections or ideas may still be relevant), may be largely outdated in terms of its applicability to "future" growth management decisions.

The planning process involved in putting together such a document is an invaluable means for quality input from and dialogue between the various town/city boards and departments. This process also helps to establish a series of unified goals and objectives based upon the recommendations from each of these boards and departments as well as from the community at large. These goals and objectives, and a subsequent action plan, should not only help to guide town/city boards and departments in the decision-making process, but should also promote a degree of consistency within that process.

The relevancy of a local Master Plan is also related to the use and development of local regulations. In essence, as pointed out on page 33 of The Growth Management Workbook (Pioneer Valley Planning Commission via the Massachusetts Executive Office of Communities and Development, 1988; a copy of this book was mailed to each of 351 communities in the Commonwealth);

> "Regulations are tools that should be shape to achieve the objectives articulated in your Comprehensive (Master) Plan. Administration is the on-going process of daily decisions that carry out the policies articulated by the Plan. The key to successfully implementing your Plan is twofold:
>
> - Regulations that are shaped by your objectives;
> - An administrative team that works in a coordinated fashion to carry out your action plan."

Mr. Napolitano reminded the attendees of the need for such regulations to be consistent with the limits of the Massachusetts General Laws as well as contain district purpose, means and reasonableness provisions.

Following a subsequent review of how, when and where certain departments/boards shall or may interact under state and local rules and regulations, a group discussion on how to better utilize and improve upon these processes took place. The following list of suggestions was presented for consideration:

- Make sure that all town board rules and regulations, records of decision, bylaws and corresponding maps, lists of boards and committees (and their members), etc., are available to the town clerk;

- Provide continuing education opportunities for members of town boards;

- Develop handbooks for each board outlining specific powers, duties and procedures (this often helps to promote a sense of continuity and consistency);

- Adopt explicit/complementary/consistent policies, definitions and procedures (this will help avoid contradictory rulings and actions);

- Be prompt in notifying other boards and the public of any changes in rules and regulations (remember to educate and explain!);

- Solicit model bylaws, rules and regulations from professional organizations, regional planning agencies, towns, etc. (and review measure yours against the current standard);

- Implement a development tracking system in order to better integrate the activities of town boards with the Assessor's Office;

- Obtain and become familiar with DEM, DEP, EPA, SCS, etc., standards as they pertain to the everyday functioning of specific town boards, departments and committees (each of these government agencies has developed recommended best management practices for certain activities related to their jurisdiction or expertise);

- Maintain an accessible, up-to-date library in order to provide technical assistance to town officials and the public;

- Encourage and support the various boards who wish to join professional organizations (such as the Conservation Law Foundation, the Massachusetts Association of Conservation Commissions, etc.);

- Encourage members from each board and department to meet periodically in order to assess the adequacy of regulations and the performance of town government in meeting the needs and challenges of the times;

- Develop and promote an issues forum (annual or more frequently) in order to bring together parties seeking an understanding of local government with those who develop and enforce regulations. This type has been presented as an "open house" activity in other towns with good results.

At the conclusion of the evening's session, Mr. Napolitano provided the Town of Fairhaven with 36 copies of a summary session document as well as information on a number of resource publications for local officials (most of which were free subscriptions). In addition, Mr. Napolitano went over a

recommended list of publications which town(s) should have in their Town Hall libraries, including (for the basics):

- The Growth Management Workbook, (Pioneer Valley Planning Commission, June 1988; available through the Executive Office of Communities and Development);

- The Planners Handbook, (Massachusetts Federation of Planning and Appeals Boards, Madelyn A. McKie, ed.);

- Soil Survey of Plymouth County, Massachusetts (U.S. Department of Agriculture, Soil Conservation Service; other Mass. counties available);

- MGL Chapter 40A (Zoning) and 41, (Municipal Planning and Subdivision Control) with marginal notes (available through Horsley Witten Hegemann, Inc.);

- Board of Health Handbook (may be out of print, developed by the Conservation Law Foundation; certain sections are dated but still very worth while);

- Training Manual for Title V (developed by the Department of Environmental Protection with input from several other state and regional agencies);

- Environmental Handbook for Conservation Commissions (available through the Massachusetts Association of Conservation Commissions;

- Massachusetts Environmental Policy Act (MEPA) Regulations (available through the Massachusetts Association of Conservation Commissions or the MEPA office of the Executive Office of Environmental Affairs).

Also, the following state, regional and professional agencies are good sources of information:

- The Executive Office of Communities and Development
  100 Cambridge Street, 18th Floor
  Boston, MA 02202

- The Massachusetts Federation of Planning and Appeals Boards
  187 Mill Street
  Haverhill, MA 01830

- The Massachusetts Association of Health Boards
  56 Taunton Street
  Plainville, MA 02762

- Conservation Law Foundation of New England, Inc.
  3 Joy Street
  Boston, MA 02108

- The Massachusetts Association of Conservation Commissions
  10 Juniper Road
  Belmont, MA 02178

- The U.S. Department of Agriculture, Soil Conservation Service
  Plymouth County Conservation District
  40-48 North Main Street
  Middleborough, MA 02346

- Department of Environmental Protection (Southeast)
  Lakeville Hospital
  Lakeville, MA 02346

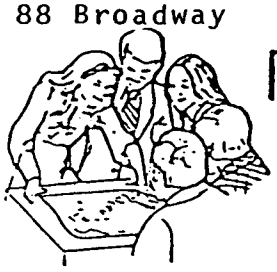
- Massachusetts Coastal Zone Management (Southeast)
  Marion Town Hall, 2nd Floor
  Marion, MA 02738

- Southeastern Regional Planning and Economic Development District
  88 Broadway
  Taunton, MA 02780

APPENDIX A

MEETING NOTICES

SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT
88 Broadway Taunton, MA 02780



MEETING NOTICE

A WORKSHOP ON THE ROLE AND RESPONSIBILITY OF THE CONSERVATION COMMISSION

AND IMPROVED INTERBOARD COMMUNICATION

DATE: Monday, October 2, 1989

TIME: 7:00 P.M.

PLACE: Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

FEATURED SPEAKER:

GREGOR I. MCGREGOR
MCGREGOR, SHEA & DOLINER

Gregor I. McGregor is an environmental litigator, consultant and teacher. His Boston law firm emphasizes environmental law, real estate, practice before regulatory agencies, and litigation. Mr. McGregor has been in the private practice of law since 1975. Until then he was an Assistant Attorney General and Chief of the Division of Environmental Protection in Massachusetts. He has written and spoken widely on environmental subjects and participates on many government and private sector task forces and advisory groups. Mr. McGregor has also been in a number of capacities with the Massachusetts Association of Conservation Commissions.

THE WORKSHOP

The workshop will present discussion of and encourage dialogue on several areas of conservation commission responsibility, including:

- the role and responsibilities of the board, including time of review;
- the implications of decisions made by the board;
- how to better interact with other town boards and officials during the review process.

PLEASE MAKE TIME TO ATTEND THIS IMPORTANT WORKSHOP!

Presented by: SRPEDD, Buzzards Bay Advisory Committee

and the Town of Fairhaven

WSN:amd
(MN-89-22)

SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT
88 Broadway Taunton, MA 02780

MEETING NOTICE

A WORKSHOP ON THE ROLE AND RESPONSIBILITY OF BOARDS OF HEALTH

AND HOW TO IMPROVE INTERBOARD COMMUNICATION

DATE: Monday, October 23, 1989

TIME: 7:00 P.M.

PLACE: Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

FEATURED SPEAKER:

MS. MARCIA BENES, DIRECTOR
MASSACHUSETTS ASSOCIATION OF HEALTH BOARDS

The Massachusetts Association of Health Boards (MAHB) represents local health boards and individuals concerned about public and environmental health, tracks legislation effecting local boards of health. MAHB also offers a legal advisory counsel to help answer questions from local boards as well as give legal advice and interpretations on various environmental health issues. Marcia Benes is a former chairperson of the Plainville Board of Health and has also been director of Mass Clean, a citizens advocacy group focusing on compliance with environmental laws.

THE WORKSHOP

The workshop will present discussion of and encourage dialogue on several areas of board of health responsibility, including:

- the role and responsibilities of the board, including time of review;
- the implications of decisions made by the board;
- how to better interact with other town boards and officials during the review process.

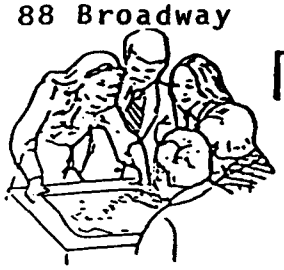
PLEASE MAKE TIME TO ATTEND THIS IMPORTANT WORKSHOP!

Prepared by: SRPEDD, Buzzards Bay Advisory Committee

and the Town of Fairhaven

WSN:amd
(MN-89-23)

SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT
88 Broadway Taunton, MA 02780



MEETING NOTICE

A WORKSHOP ON THE ROLE AND RESPONSIBILITY OF ZONING BOARDS OF APPEAL (ZBA) AND HOW TO IMPROVE INTERBOARD COMMUNICATION

DATE: Wednesday, November 8, 1989

TIME: 7:00 P.M.

PLACE: Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

FEATURED SPEAKER:

MR. JON D. WITTEN, PRESIDENT
HORSLEY WITTEN HEGEMANN, INC.

Jon Witten has ten years of professional experience in the fields of land use planning and environmental resource protection. He has worked with numerous cities and towns throughout New England and has successfully developed hundreds of regulatory and non-regulatory strategies for controlling and guiding growth and development and has lectured nationally on appropriate strategies to mitigate the effects of land development on natural resources. From 1985 to 1988, Jon was the Planning Director of IEP, Inc.'s municipal planning program and Planning Director of the Town of Falmouth from 1982 to 1985. He is certified by the American Institute of Certified Planners.

THE WORKSHOP

The workshop will present discussion of and encourage dialogue on several areas of zoning boards of appeal responsibility, including:

- the role and responsibilities of the board, including time of review;
- the implications of decisions made by the board;
- how to better interact with other town boards and officials during the review process.

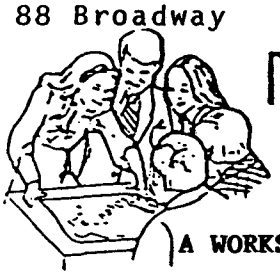
PLEASE MAKE TIME TO ATTEND THIS IMPORTANT WORKSHOP!

Prepared by: SRPEDD, Buzzards Bay Advisory Committee

and the Town of Fairhaven

WSN:amd
(MN-89-21)

SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT
88 Broadway Taunton, MA 02780



MEETING NOTICE

A WORKSHOP ON THE ROLE AND RESPONSIBILITY OF PLANNING BOARDS

AND HOW TO IMPROVE INTERBOARD COMMUNICATION

DATE: Tuesday, November 21, 1989

TIME: 7:00 P.M.

PLACE: Fairhaven Town Hall
40 Center Street
Fairhaven, MA 02719

FEATURED SPEAKER:

MR. JON D. WITTEN, PRESIDENT
HORSLEY WITTEN HEGEMANN, INC.

Jon Witten has ten years of professional experience in the fields of land use planning and environmental resource protection. He has worked with numerous cities and towns throughout New England and has successfully developed hundreds of regulatory and non-regulatory strategies for controlling and guiding growth and development and has lectured nationally on appropriate strategies to mitigate the effects of land development on natural resources. From 1985 to 1988, Jon was the Planning Director of IEP, Inc.'s municipal planning program and Planning Director of the Town of Falmouth from 1982 to 1985. He is certified by the American Institute of Certified Planners.

THE WORKSHOP

The workshop will present discussion of and encourage dialogue on several areas of planning board responsibility, including:

- the role and responsibilities of the board, including time of review;
- the implications of decisions made by the board;
- how to better interact with other town boards and officials during the review process.

PLEASE MAKE TIME TO ATTEND THIS IMPORTANT WORKSHOP!

Prepared by: SRPEDD, Buzzards Bay Advisory Committee

and the Town of Fairhaven

WSN:amd
(MN-89-21)

APPENDIX B

WORKSHOP ATTENDANCE

October 2, 1989 Conservation Commission Workshop

Name	Town	Board	Tel
Bill Napolitano	Taunton	SRPEDD	824-1367
Jeffrey Osuch	FAIRHAVEN	EXEC. SEC.-SELECTMEN	9925416
JOHN DARWIN	FAIRHAVEN	CC	992 8809
Barbara Burr	~~Fair~~ Marion	CC	748-2194
Bill Marley	Fairhaven	CC	993574
Georgia D Chamberlain	Rochester,	C.C.	295-1913
JOHN T. WORD	FAIRHAVEN	CC	994-4522
Marinus Vander Pol Jr	Fairhaven	CC	992-1885
Mariano Mory	"	CC	992-9856
FRED RYAN	"	FinCom	9939893
DAVID JANIK	MASS. COASTAL ZONE MGMT		748-3600
NICK TANGNEY	FAIRHAVEN	TOWN PLNR.	992-9228
Joseph Caddo	FAIRHAVEN	Selectman	99-48542
Ryp Wood	"	"	99-46353
Samuel Testa	"	Selectman	9972097
Pat Fowle	"	Bd. of Health	

(3 others did not sign in)

10/23/89 SIGN-UP SHEET BOARD OF HEALTH WORKSHOP

Bill Napolitano	SRPEDD	88 Broadway Taunton	(508) 824-1367
Tom Fantozzi	Westport BOH		636-5238
Karen Walega	Bourne BOH	24 Perry Ave. B.B	759-3435
[illegible]	Fairhaven P.B.	Thru Tn. Hall	992-9228
Ted Pratt	Marion BOH		748-2500
Dale Barrows	Mattapoisett Bd of H Agent		758-3758
DAVID JANIK	CZM - BUZZARDS BAY PROJECT		748-3600
Terry Darrow	Bd of Health		9928809
[illegible]	Fh B of Hea "		
Frank Buscella Jr	" "		
Edward J. [illegible]	Fairhaven Bd of Health		[illegible]
Patricia Fiore	Fairhaven Bd of Health Agent		9970382
Joseph Catalio	Selectman		9948542
Jeffrey W Osuch	Executive Sec. Bd of Selectmen		9925416
Mike Mendoza	Bldg Inspector, Fairhaven		—

NOV 8, 1989 SIGN-UP SHEET WORKSHOP #3

ZBA

Bill Napolitano SRPEDD 88 Broadway Taunton 02780
Roger Bergeron Board Appeals
Roland N. Seguin Board of Appeals, Chmn. – Town of Fairhaven
Charles A. Tetreault ditto assoc. member ditto
Laura F. Knipe) 5 Lafayette St. Fairhaven
Robert C. Knipe }
Richard A. Kellaway 17 Lafayette St. Fairhaven
Curtis L. Lopes } Board of Appeals Fairhaven
Donald F. Levesque Appeals Board Fairhaven
Jeffrey Osuch Executive Secretary
DAVID JANIK CZM – BUZZARDS BAY PROJECT
JEANNE REEDY ASSESSOR – TOWN OF FAIRHAVEN
Marinus VanderPol Jr Planning Board Fairhaven
☆ (3 attendees, including 1 Con Comm, 1 Planning Board, did not sign in)

SIGN-UP SHEET NOV. 21, 1989

PLANNING BOARD WORKSHOP

Bill Napolitano	SRPEDD	824-1367
Nicholas Tangney		Town Planner
Donald F. Finnegan		Z.B.A.
Roger Bergeron		ZBA
Jeffrey Couch		Exec Secretary
Curtis L. Lopes		ZBA
Roland N. Seguin		ZBA (chmn.)
John Clarvin		FHW Conservation Commission
Joseph Catalfo		Selectman
Marion Vanderpool		Plan Board
DAVE JANIK		CZM - BUZZARDS BAY PROJECT

(3 did not sign in)

WRAP-UP SESSION DEC. 6, 1989

NAME	DEPT. OR BOARD	TOWN
Roland N. Leguin	Brd. of Appeals	Fairhaven
Lou Moore	Brd of Appeals	Fairhaven
Donald F. Lepage	Board Appeals	" "
Roger Bergeron	Board Appeal	" "
Charles J Tetreault	Board of Appeals	— —
John Alden		Fhvn.
Marie Vander Ark	Conservation	Fairhaven
John Damore	Conservation	Fairhaven
Jeffrey Church	Executive Sec	Fairhaven
David L. Jaik	CZM - BBP	—

(2 Did Not Sign in)