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District 6

## OFFICE OF THE TOWN COUNCIL

### PROCEDURE FOR REZONING APPLICATIONS

**DISCLAIMER: ALL PROPOSED AMENDMENTS TO THE ZONING ORDINANCES OR ZONING MAP MUST COMPLY WITH THE PROCEDURES ESTABLISHED IN GENERAL LAWS CHAPTER 40A, SECTION 5. THIS DOCUMENT IS PROVIDED AS A GUIDELINE ONLY AND IS NOT INTENDED AS A SUBSTITUTE FOR COMPLIANCE WITH GENERAL LAWS CHAPTER 40A, SECTION 5. APPLICANTS ARE ADVISED TO CONSULT THE STATUTE.**

1. Rezone requests must be submitted to the Town Council office along with the following:
  - a. Three copies of a plan of land identifying the lot(s) proposed for rezone (one copy to be forwarded to the Planning Board)
  - b. Three copies of a written narrative that identifies the proposed zoning desired for the lot(s), what the existing zoning is today (include all overlay districts), why the rezone proposal is being sought and what is the public benefit to the general area (one copy to be forwarded to the Planning Board).
  - c. If the applicant (\*) is not the property owner, proof of written notification that the property owner has been noticed of the rezone application.
  - d. A list of the direct abutters to the property, including across streets, certified by the Braintree Assessors' department.
  - e. Using the certified abutters' list, two sets of envelopes for each abutter – addressed and postage paid. In addition two sets of envelopes pre-addressed & postage paid, to the Planning Boards in Quincy, Milton, Randolph, Holbrook and Weymouth plus an two envelopes for MAPC (regional planning agency) and two sets of envelopes addressed to the Massachusetts Department of Housing and Community Development (DHCD) and any property owners that have notified Town Clerk (See MGL Chap 40A section 5). Notice of the Town Council hearing will be inserted by Town personnel and mailed in one set of the envelopes and the second set of envelopes will be used for the Planning Board public hearing.

\* M.G.L. Chapter 40A Section 5/Attorney General's Handbook: Petitioner who can initiate submissions for adoption and or changes to the zoning ordinances include City/Town Council, Board of Appeals, Planning Board, Property Owner of the land to be affected by the zoning change (not a tenant or lessee), 10 registered voters, Regional Planning Agency, or as permitted by the Municipal Charter/Enabling Legislation.

2. Upon receipt of all documentation, the Clerk of the Council dates and time stamps application, assigns and affixes a measure number on all documents and files with the Town's Clerk's Office.
3. Clerk of the Council submits the rezone application with all documentation to the Planning & Community Development Office within 14-days of receipt.
4. The Planning & Community Development Office shall schedule a public hearing within sixty-five (65) days of the date that the Town Council refers the application to the Planning board. Applicants are responsible for consulting the Planning Department as to requirements for the Planning Board's public hearing.
  - 1) The petitioner is responsible for the cost of the legal notice of the Council public hearing and the Planning Board public hearing placed in the newspaper and will be directly billed by the newspaper. The advertisement must appear once in two successive weeks, with the first publication appearing no less than 14 days prior to the date of the hearing.
5. Within twenty-one (21) days after the close of the Planning Board public hearing, the Planning Board must issue its recommendation to the Town Council.
  - a. If 21-days lapse, the Town Council may initiate a vote without the Planning Board recommendation.
6. After completion of step 5/5A, the request is introduced at the next Town Council meeting under "New Business" and referred to the Ordinance & Rules Committee.
  - a. Ordinance & Rules Committee shall meet and deliberate rezoning application within 14-days and make a recommendation to the Town Council.
7. Within ninety (90) days after the close of the Planning Board's public hearing, the Town Council must render its vote by a two-thirds (2/3) majority.
  - a. The Town Council shall schedule a public hearing before rendering a vote.
  - b. The Clerk of the Council is responsible for submitting the public hearing advertisement and posting of the meeting with the Town Clerk's Office.
    - 1) The petitioner is responsible for the cost of the legal notice placed in the newspaper and will be directly billed by the newspaper. The advertisement shall be published once in full in a local newspaper at least 10-days before its final passage (Braintree Charter, Section 2-9C)
    - 2) The Clerk of the Council is responsible for posting a meeting notice with The Town Clerk at least 48-hours prior to the public hearing (M.G.L. Section 23 A)
  - c. If time lapses, no action shall be taken until a new public hearing is held (Process will begin again at step 4)

**ORDER #:**

**Town of Braintree: Application for Rezoning – Worksheet**

**SECTION TO BE COMPLETED BY PETITIONER**

**Petitioner**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Contact/Billing Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**\*Petition Submitted By:**

\* M.G.L. Chapter 40A Section 5/Attorney General's Handbook: Petitioner who can initiate submissions for adoption and or changes to the zoning bylaws include City/Town Council, board of Appeals, Planning board, Property Owner (not a tenant or lessee), 10 registered voters, Regional Planning Agency, Municipal Charter/Enabling Legislation.

**Date Received**

Must return completed form to Town Council office along with all other documents