



Haverhill

Economic Development and Planning

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Policy Number 2000-01: Deadlines for Information Submittal

Public Hearing: February 10, 2000; Amended December 21, 2000

Approved by Commission: February 10, 2000; Amended December 21, 2000

Approved by Mayor: NA - Procedural

Approved by City Council: NA - Procedural

Approximately two years ago the Haverhill Conservation Commission adjusted its standard meeting schedule from meeting every two weeks to every three weeks. This was done primarily to reduce the number of continuance requests resulting from applicants failing to submit requested information with sufficient time for review by the Commission, its staff, and the staff of other City departments. It is the Commission's finding that this schedule is beneficial to applicants by reducing the costs of consultants attending meetings to request continuances or to present incomplete revised plans; to abutters by reducing the number of meetings attended that provide no new information; and to the Commission by reducing administrative efforts to advertise and prepare for such applications.

The Commission now conducts public meetings on Thursday evenings, every three weeks. In order to allow for sufficient time to advertise public hearings in accordance with the Wetlands Protection Act and the Open Meeting Law, the Commission has established a submittal deadline of 4:00pm on the Thursday two weeks prior to the scheduled meeting. For example, if the next Commission meeting was scheduled for Thursday, February 17, 2000, then the deadline for filing a new application would be Thursday, February 3, 2000. As a precaution for meeting cancellations due to severe weather conditions, a lack of a quorum, etc. the Commission advertises a postponement date with its public hearings. The postponement date is the Thursday evening following the original meeting date. In the aforementioned example the postponement date would be February 24, 2000. The postponement date is independent from the remainder of the Commission's meeting schedule. The agenda for this date is the same as that for the original date.

The Wetlands Protection Act Regulations require the Commission to act on Requests for Determinations of Applicability and Certificates of Compliance and to hold a public hearing for Notices of Intent (including Abbreviated Notices of Intent and Abbreviated Notices of Resource Area Delineation) within 21 days of receipt of such applications. In the few instances that such an application is submitted more than 21 days prior to the Commission's next scheduled meeting, the Commission shall request the applicant to complete "Form P2000-01", allowing this 21 day period to be extended.

The Wetlands Protection Act Regulations outline three methods for continuing public hearings for Notice of Intent applications. Under 310 CMR 10.05(5)(b), they are listed as follows:

1. "without the consent of the applicant to a date, announced at the hearing, within 21 days, of receipt of the Notice of Intent;
2. with the consent of the applicant, to an agreed-upon date, which shall be announced at the hearing; or

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3. with the consent of the applicant for a period not to exceed 21 days after the submission of a specified piece of information or the occurrence of a specified action. The date, time and place of said continued hearing shall be publicized in accordance with M.G.L. c. 131, s 40, and notice shall be sent to any person at the hearing who so requests in writing.”

Chapter 253 of the City of Haverhill Municipal Ordinances, *An Ordinance to Protect the Wetlands, Related Water Resources and Adjoining Land Areas*, states that the Commission may request the applicant to re-notify abutters if a hearing remains open for more than 90 days without a finding.

Most of the continuance requests received by the Commission are to allow for the submittal of a “specified piece of information or the occurrence of a specified action”. To further reduce the number of continuance requests due to a lack of information, the Commission shall request the applicant’s consent for a continuance pursuant with method #3 for all Notices of Intent, Abbreviated Notices of Resource Area Delineations and Requests for Modifications to Orders of Conditions where the applicant has been requested to submit additional information or a specified action has been requested to occur. The Commission refers to this method as an “open” continuance. For applications that receive an “open” continuance the submittal deadline (to be placed back on the Commission’s next agenda) for the requested information and/or specified action will be the same as that for a new application, 4:00pm on the Thursday two weeks prior to the scheduled meeting. Referring to the aforementioned example, the filing deadline for an item continued at the Commission’s January 27, 2000 meeting would be 4:00pm, Thursday, February 3, 2000, for the meeting of Thursday, February 17, 2000. Note, when the Thursday deadline is a holiday observed by the City of Haverhill, the deadline will be pulled back to the preceding Wednesday at 9:00am.

In cases where the time period between the meeting at which an application is continued and the meeting for which the submittal deadline has been met exceeds 90 days, the applicant shall re-notify the abutters by this deadline in accordance with the original notification requirements and the re-notification requirements of the Ordinance.

In or around December of each year the Commission shall prepare a meeting schedule, “Appendix P2000-01A”, for the following year. Included with this schedule shall be the agenda submittal deadlines for filing new applications and for submitting additional information (or information on the occurrence of a previously specified action) for continued items. Please note that each year the schedule may reflect slight variations from this Policy due to observed holidays.