

SPECIAL PERMIT RULES AND REGULATIONS FOR MOBILE HOME PARKS

Rules and Regulations of the Planning Board of the City of Taunton for issuance of Special Permit for a Mobile Home Park, as provided by Chapter 40A, Section 9, Massachusetts General Law.

SECTION 1. APPLICATION FORM

Every application for action by the Planning Board shall be made on the official form. These forms shall be furnished by the coordinator of Planning and Zoning upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed. Pertinent information as required in the petition shall include information as to water table elevation, flowage of surface water, and such other information as to allow the Planning Board to properly understand the application.

Each application shall be submitted at a regular or special Planning Board meeting, with a letter of transmittal to the Board, with a copy of same to the City Clerk. The date of the letter, which shall correspond to the date of the meeting, fixed the start of the period of time during which the Board and other Municipal Agencies must act and report.

SECTION 2 FEES REQUIRED

All applications shall be accompanied by a check to be deposited at the office of the Planning Board, payable to the City of Taunton, in the amount of five hundred dollars (\$500.00), plus one hundred and fifty dollars (\$150.00) per acre over five (5) acres or fraction thereof, as a non-returnable entry fee which shall be tendered by certified check payable to the city of Taunton at the time of submission. The petitioner shall, at the time of the hearing, present a paid receipt for the publication of the advertisement to the Planning Board for their records.

The applicant is also responsible for any extra expenses incurred in holding a public hearing, such as for the services of a policemen, fireman, or custodian, if such services are required, or if at some time in the future, the place where the public hearing is to be held has a rental charge.

SECTION 3. ADDITIONAL INFORMATION

The Planning Board may require additional information in its application in any case which the Board extraordinary or necessary to properly understand the application.

SECTION 4. NOTICE

Publications and notices for public hearings on a Special Permit shall contain the name of the petitioner; a description of the area or premises; street address, if any, or other adequate identification of the location of the area or premises which is subject to the petition; the date, time and place of the public hearing; the subject matter of the hearing, and the nature of action or relief requested, if any. The notice shall be published at the Petitioner's expense in a newspaper of general circulation in the City of Taunton once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and by posting such notice in a

conspicuous place in City Hall for a period of not less than fourteen (14) days before the day of such hearing.

In addition, notices shall be sent by postage prepaid of the petitioner, abutters, owners of land directly opposite on any public or private street or way, and owners of land within three hundred feet (300') of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; and the Planning Board of each abutting city or town. The secretary of the Planning Board shall send out the notices, post the notice, prepare the publication, and submit the return receipts to the Planning Board at the time of hearing. The petitioner shall be responsible for obtaining the list of the names and addresses of all persons to whom notice is given. The list shall be provided to the Planning Board's secretary, and shall be obtained from the Assessors. The Assessors maintaining any applicable tax list shall certify to the Planning Board the names and addresses of all persons to whom notice is required to be given, and such certification shall be conclusive for all purposes.

SECTION 5. HEARINGS TO BE PUBLIC

All hearings shall be open to the public. No person shall be excluded unless he is considered by the presiding officer to be a serious hindrance to the workings of the Planning Board.

SECTION 6. REPRESENTATION AND ABSENCE

An Applicant may appear on his own behalf, or be represented by an agent or an attorney. In the absence of any appearance without due cause on behalf of any applicant, the Planning Board will decide on the matter, using the information it has otherwise received, and shall have the right to dismiss the petition for failure of appearance.

SECTION 7. ORDER OF BUSINESS

- A. Reading of the petition and legal notices by the presiding officer, together with presentation of Exhibits, if any;
- B. Applicant's presentation;
- C. Opponent's presentation, if any, and questions by those seeking information;
- D. Applicant's rebuttal, restricted to matters raised by opponent's presentation;
- E. Opponent's rebuttal, restricted to applicant's presentation and rebuttal.

SECTION 8. TESTIMONY AND DOCUMENTS

- A. The Planning Board may listen to any testimony and inspect any data, or any sites as it may deem necessary, to enable it to render a fair and informed decision;
- B. The Planning Board must listen to any testimony of any person to whom it is required to give notice, but the Board may exclude unnecessary, irrelevant, or repetitive testimony;
- C. All testimony shall be given under oath, and the person testifying shall clearly identify himself, his interest, if any, in the proceedings, and any special credentials that he may have pertaining to the subject matter of this testimony. An attorney - at - law shall be required to be sworn in;
- D. Any documents introduced shall be clearly identified by name, or some other designation, and the persons so introducing them shall also be identified;
- E. All documents introduced in the hearing shall be kept by the Planning Board's secretary for a period of at least two (2) years after the Planning Board has rendered its decision.

SECTION 9. CROSS-EXAMINATION

- A. Members of the Planning Board shall have the right to cross-examine any witness appearing before it;

- B. No other person shall have the right to cross-examine any witness;
- C. Any other party or attorney shall have the right to direct questions to the presiding officer to ask of any other witness.

SECTION 10. VOTING REQUIREMENT

The concurring vote of at least two-thirds (2/3) of the members of the Planning Board (5 Members) shall be necessary to grant any Special Permit by the Planning Board. The record shall show the vote of each member upon each question, or, if absent, or failing to vote, indicate such fact. It shall, in addition, set forth clearly the reason or reasons for its decision, and of its official actions.

SECTION 11. WITHDRAWAL

A Special Permit application may be withdrawn, without prejudice by the applicant prior to the publication of the notice of a public hearing thereon, but thereafter may only be withdrawn without prejudice with the approval of the Planning Board by a two-thirds (2/3) vote (5 members) of the Board.

SECTION 12. AMENDMENTS

These rules may be amended by an affirmative vote of not less than five (5) members of the Planning Board, provided that such amendment shall be presented in writing at a regular meeting, and action taken thereon at a subsequent regular meeting.

INFORMATIONAL NOTES

RE: Special Permit Rules and Regulations for Mobile Home Parks in the City of Taunton

SUBJECT: City agencies who will be reviewing Mobile Home Park Applications

Board of Health

Department of Public Works Commissioner

City Engineering Division Supervisor

Public Buildings Division Supervisor

Street Division Supervisor

Water Division Supervisor

Sewer Division Supervisor

Conservation Commission

Chief of Police Department

Chief of Fire Department

City Planner

Council on Aging (If Mobile Park is restricted to Elderly)

Superintendent of Public Schools (If Mobile Park is unrestricted)