

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
(781) 545-8716

TOWN OF SCITUATE
Town Clerk's Office
Scituate, MA 02066



JAN 20 2017

Rules and Regulations

Town of Scituate Zoning Board of Appeals

These rules and regulations are adopted by the Zoning Board of Appeals ("Board") under the authority of the General Laws of the Commonwealth of Massachusetts ("MGL"), Chapter 40A, Section 12. These rules and regulations, as amended from time to time, become effective upon their filing with the Town Clerk and supersede any previously filed with the Town Clerk.

GENERAL

Jurisdiction - In accordance with MGL, Chapter 40A, Section 14 and Scituate Zoning Bylaw ("SZB"), Section 950.2 the Board shall have the following powers: (1) to hear and decide appeals on accordance with MGL Chapter 40A, Section 8; (2) to hear and decide applications for Special Permits for which the Board is empowered to act under local bylaw or ordinance in accordance with MGL Chapter 40A, Section 9; (3) to hear and decide applications for Findings for which the Board is empowered to act under local bylaw or ordinance in accordance with MGL Chapter 40A, Section 6; (4) to hear and decide petitions for Variances on accordance with MGL Chapter 40A, Section 10; (5) to hear and decide applications under MGL Chapter 40B.

ORGANIZATION

Composition of the Board – The Board consists of five members, three Voting and two Alternates, who shall be appointed by the Board of Selectmen.

Chairperson – The Chairperson is selected annually by majority vote of the Board.

Clerk – The Clerk of the Board is selected annually by majority vote of the Board. The Clerk serves as the acting Chairperson when the latter is absent, recused or otherwise unable to perform his/her duties.

APPLICATION FOR HEARING

Form of Application – Each application for action by the Board must be made in the official form and provide all required materials in the designated number of copies as specified in the instructions obtainable from the office of the Zoning Enforcement Officer and as posted on the ZBA webpage at scituatema.gov. The applicant is responsible for ensuring that the application to the Board is complete and accurate.

Fees – A non-refundable filing fee must accompany each application. A list of the current fees is available in the offices of the Zoning Enforcement Officer and Town Clerk and may also be located on the ZBA webpage at scituatema.gov.

Open Meeting Law - All meetings and hearings held by the Board are open to the public. In specific situations detailed in MGL Chapter 39, the Board may convene an executive session, which will be closed to the public.

Public Hearings – Notice of a Public Hearing shall be filed with the Town Clerk fourteen days prior to the hearing and posted in Town Hall. Additionally, notice shall be published in a newspaper of general circulation in Scituate once a week for two consecutive weeks. Persons present at the hearing have the right to ask the Chairperson for an opportunity to speak to the matter before the Board.

Meetings - Notice of all meetings of the Board shall be filed with the Town Clerk 48 hours prior to the meeting and a notice shall be posted in Town Hall.

Quorum – A quorum shall consist of three members of the Board. If three members are not present, those members present constitute sufficient quorum to vote to continue the hearing until a specific date, time and location.

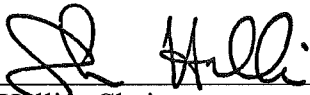
Voting Requirements – An affirmative vote of all three members of the Board constituting the voting panel is required to grant a Special Permit or Variance or to overturn a decision of the Zoning Enforcement Officer. An affirmative vote of two of three voting Board members is required to render a Finding.

Minutes – The Board's administrative assistant shall take minutes of all hearings and meetings. The minutes shall record the members present, subjects acted upon, the results of all votes and other official actions taken by the Board. The Board shall review and vote on the minutes. The original copy shall be filed with the Town Clerk.

DECISIONS

All decisions by the Board shall be written and filed with the Town Clerk. In accordance with MGL 40A, Section 17 any person may appeal a decision of the Board in a court of competent jurisdiction within 20 days of the filing with the Town Clerk.

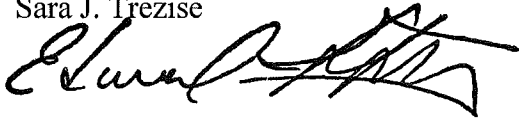
ADOPTED BY THE TOWN OF SCITUATE ZONING BOARD OF APPEALS



John Hallin, Chairman



Sara J. Trezise



Edward Tibbetts