

Town of Scituate

ZONING BOARD OF APPEALS

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



The Scituate Zoning Board of Appeals consists of three regular members and two associate members, appointed by the Selectmen for staggered three year terms.

The Scituate Zoning Board of Appeals is empowered to act on appeals, special permits, variances and comprehensive permits in accordance with applicable sections of Massachusetts General Law, Chapter 40A, 40B and the Scituate Zoning Bylaws.

Each application is processed by the Administrative Assistant to the Zoning Board of Appeals in accordance with the legal requirements and timetables established under Massachusetts General Law, and the Town of Scituate Zoning Bylaws. The Board's Administrative Assistant is available during regular business hours at the Scituate Town Hall Inspections Department, to provide information regarding application procedures, assist in identifying the application forms required and provide other zoning related information.

The Board recommends that prospective applicants familiarize themselves with the Scituate Zoning Bylaws, a copy of which can be purchased at the office of the Town Clerk or printed from the Town's website www.scituatema.gov. If your project impacts, involves any change in, or requires additional connections to town sewer or the municipal water supply it is recommended that a preliminary plan showing detail existing and proposed water and sewer usage be presented to the Sewer or Water Commissioners. The Board recommends the applicant present this information to the Commissions prior to filing an application with the Zoning Board of Appeals.

Application Filing Fees:

- | | |
|--|--|
| • Appeals: | \$300.00 |
| • Special Permit/ Findings or Variance for One or Two Family Dwellings | \$200.00 |
| • Special Permit/Findings or Variance for Multi-Residential | \$100.00 for each residential unit. |
| Commercial | \$300.00 first 3,000 square feet of commercial space.
\$100.00 for each additional 1,000 square feet of commercial space. |

Instructions for filing a Zoning Board of Appeals Application for a Public Hearing:

Complete an application for Public Hearing and submit to the Inspections Department along with:

- Two checks each payable to the Town of Scituate. One check for \$35.00 (the cost of the abutters list) and one check for the filing fee.
- Ten full size copies of the site plan/ plot plan stamped by a certified engineer showing building location and setbacks, existing and proposed.
- Ten copies of the Assessor's card showing age of the building.
- Ten copies of the current deed or certificate and record plan referred to in said deed (if applicable).
- One copy of letter of authorization if the applicant is not the owner of the property.
- Photographs of the site (ten colored copies).

By law the Scituate Zoning Board of Appeals must open its hearing on applications no later than 65 days after the filing date with the Town Clerk. Comprehensive Permit (Chapter 40B) Public Hearings will be open within 30 days after the filing date with the Town Clerk.

Any appeal, petition or application may be withdrawn by notice in writing to the Zoning Board of Appeals prior to the publication of the legal notice. After the publication of the notice of the hearing, an application may be withdrawn with or without prejudice only by request in writing to the Board, which shall be filed with the Town Clerk, and such application of withdrawal with or without prejudice requires a unanimous vote of the Board.

Public Hearings are generally held on the third Thursday of every month, unless otherwise stated on the Public Hearing Notice. The Public Hearings are held in the Selectman's Hearing Room at Town Hall, 600 Chief Justice Cushing Highway, unless otherwise stated on the Public Hearing Notice. All meetings are open to the public.

Notice of the hearing will be advertised in the Scituate Mariner or Patriot Ledger for two consecutive weeks, with the first publication 14 days prior to the hearing date. All abutters within 300 feet of the subject property will be noticed 14 days prior to the hearing date.

The Zoning Board of Appeals decisions are filed as follows:

Special Permits/ Findings must be filed with the Town Clerk within ninety (90) days following the close of the public hearing.

Variations must be filed with the Town Clerk within one hundred (100) days of the application submission with the Town Clerk's office.

Appeals must be filed with the Town Clerk within one hundred (100) days following the filing of the application with the Town Clerk's office.

Comprehensive Permit (Chapter 40B) must be filed with the Town Clerk within forty (40) days following the close of the public hearing.

*Appeal of any decision of the Zoning Board of Appeals must be made pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of filing of the decision with the Town Clerk.

PLEASE NOTE

Completion of the zoning chart must be submitted with the application. Whenever possible, the Board encourages Applicants to include the zoning chart on the site plan.

Under Massachusetts General Law, members of the Zoning Board of Appeals are allowed 90 days following a hearing in which to file a decision. Applicants may choose to consult an attorney for representation prior to the scheduled hearing on their respective application. The Applicant's attorney may opt to submit a draft of the decision for board members review which may expedite the process.