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EAST BRIDGEWATER
TOWN CLERK

ZONING BOARD OF APPEALS
TOWN OF EAST BRIDGEWATER

2017 OCT 5 AM 10 10

RULES AND REGULATIONS

Amended 9/1/93; 5/3/95; 9/4/96; 11/6/96; 12/12/01; 9/3/03; 9/4/06; 1/2/2013 and 9/6/17

SECTION – 1 – MEMBERS:

The members of the board are as follows:

Robert T. Looney, Chairman
Gerry Leavitt, Vice Chairman
Kevin Marchant, Clerk
Gregg Heger, Alternate
James A. Ross, Jr., Alternate

SECTION – 2 – OFFICERS

- a) The officers of the Board shall be the Chairman, Vice Chairman and Clerk
- b) The officers shall be elected at the annual meeting of the Board by majority vote of the members of the Board and shall serve for one year and until their successors are duly elected. Alternates shall not participate in the election of officers.

SECTION – 3 – POWERS AND DUTIES OF OFFICERS

- a) The Chairman shall:
 1. Preside at all meetings and hearings of the Board.
 2. Call special meetings and schedule hearings of the Board which are to be held at times other than at regular meetings.
 3. Designate alternates to act in place of members of the Board on specific hearings.
- b) The Vice Chairman shall act as Chairman in the event of the absence or other inability of the Chairman to sit.
- c) The Clerk shall:
 1. Cause a detailed record of its proceedings to be made as required by Mass. General Law, Chapter 40A Section 15.
 2. Supervise all clerical work of the Board.

SECTION – 4 – QUORUM

Any combination of members or alternates totaling three shall constitute a quorum for all hearings. At least two members shall be required to transact all other business of the board.

SECTION – 5 – ANNUAL MEETING

The annual meeting of the Board shall be held on the first Wednesday of September.

SECTION – 6 – Regular Meetings

Regular meetings of the Board of Appeals shall be held at 7:30 pm on the first Wednesday of each month at the Town Office Building or at such other time and place as the Chairman may designate. If a regular meeting day falls on a holiday or Election Day, the meeting shall be held on the following Wednesday. The Chairman may dispense with any regular meeting if there are no hearings scheduled and there is insufficient other business to warrant a meeting.

SECTION – 7 – SPECIAL MEETINGS

Special meetings may be called by the Chairman, or at the request of two members. A notice of the time and place of special meetings shall also be given to all members and alternates. If a special meeting is scheduled at any meeting of the board no further notice need to be given to any member or alternate who is present at that meeting.

SECTION – 8 – TRANSACTION OF BUSINESS

- a) All hearings and all other business shall be conducted at meetings of the Board. Written notice of the time and place of all meetings shall be posted with the Town Clerk no later than 48 hours before any meeting, exclusive of Saturdays, Sundays or Holidays.
- b) All meetings of the Board shall be conducted pursuant to a written agenda setting forth the time of each hearing, all other matters requiring a decision or other action then pending before the Board, and all other business which is scheduled to come before the Board at that meeting. In order for matters to be included in Other Business scheduled to come before the Board at a meeting, such request shall be in writing pursuant to Article II (e) and submitted no later than the Thursday preceding the date of the meeting of the Board at which such request is proposed to be presented; provided however, depending upon the volume of business then pending before the Board, any such matter may be scheduled for a later meeting of the Board. All such items of Other

Business shall be acted upon no later than the third regular meeting following the date of the submission of the written request.

ARTICLE II

APPLICATIONS TO THE BOARD

SECTION – 1 – APPLICATION FORMS

- a) The Official Application forms shall be:
 - Form 1 - Application for Variance/Special Permit
 - Form 2 - Application for Appeal
 - Form 3 - Application for Comprehensive PermitAll forms shall be in the form shown as Exhibits 1, 2 and 3 respectively to these Rules and Regulations.
- b) Every application for relief shall be made on the appropriate official form. The clerk shall cause application forms to be furnished to any person upon request. Any communication, purporting to be an application but not on the appropriate official application form, shall be treated as a request for an official application form.
- c) Prior to any application form being filed with the Town Clerk, it must first be approved as to form by any member, alternate member, clerical assistant to the Board or the building Inspector who shall note his or her approval by signing his or her name in the space provided. Approval as to form means that all information required in the application form is provided and that the plan or plans submitted conforms to the requirements of these Rules and Regulations.
- d) Original and 3 copies of all applications except allocations for comprehensive Permit shall be filed with the Town Clerk. Applications for Comprehensive Permits shall be governed by Article IV of these rules and regulations.
- e) Any abutters list required from an abutting town shall be the sole responsibility of the applicant/owner.
- f) All requests for action or relief other than applications for variances, special permits, appeals and Section 6 Determinations must be in writing, shall contain a statement that all facts stated there in are true and accurate to the best of the knowledge and belief of the person submitting the request and shall be signed by such person. All such writing requests shall identify the parcel

of land or property for which action or relief is being sought, the name and address of the owner of the property, if different from the applicant, the zoning district in which the property is located, a description of the action or relief being sought from the Board, the facts on which the request is based, and the reasons such action or relief is being sought.”

SECTION – 2 – FILING PERIOD

- a) Applications for variances, special permits; and comprehensive permits may be filed at anytime.
- b) An Appeal from a decision of the Building Inspector, Zoning Enforcement Officer or other Administrative Official shall be taken within 30 days from the date of the written action of such official, provided, however, that if, within
- c) Such 30 day period, a communication purporting to be an appeal is received from any person aggrieved by such decision but not made on an official application form such 30 day period shall be extended to 30 days from the date an official application form is mailed to such person. The clerk shall cause a written record to be made of the date of mailing of all application for appeal forms mailed pursuant to this section.

SECTION – 3 – PLANS TO ACCOMPANY APPLICATION

A). All applications shall be accompanied by 5 copies of a plan of the PROPERTY which is the subject of the application, drawn to a scale, containing the following information:

- 1). The names of all streets abutting the property concerned. If the property does not abut a street the name and location of the nearest street shall be shown.
- 2). The Zoning District in which the property is located. If the property is located in two or more districts the boundary lines of the district shall be shown.
- 3). The names of all owners of property within 300 feet of the subject property.
- 4). The location and dimensions of all property lines of the parcel of land for which the application is made.
- 5). The location of all structures on the subject property and the distances of all structures to the front, side and rear property lines. Location of all existing and proposed sewerage systems, location of all driveways, walls, sidewalks, stairs and stairways, easements, parking spaces and other characteristics that are pertinent to granting the relief sought shall also be

shown. All existing data shall be shown in black or blue, and proposed building or alteration shall be shown in red.

5a). With respect to all applications for front, side and rear yard variances involving proposed new construction, the applicant shall submit with the application form a drawing, to scale, showing the new construction and its relation to the existing structure or structures. Drawings under this section need not be made by a professional, but must be drawn by straightedge, to scale (1 inch = 4 feet is suggested) and shall accurately depict the length, width, and height of the proposed structure when built. Such drawing shall also show all windows, doors and other architectural features of the proposed structure. Drawings required under this subparagraph 5a shall also show front, rear and side views of the proposed structure, and if the

sides are different, each side shall be shown. Attention is called to subparagraph 7 of these Rules and Regulations prohibiting the submission of freehand sketches and drawings.”

6). The area of the lot and the area of the footprints of all buildings, all in square feet and, in cases where the lot area of the property exceeds 2 acres the lot area shall also be shown in acres and tenths of acres.

7). Freehand sketches or drawings are not permitted.

8). All plans shall show a direction indicator, locus, preparation date, revision date (if appropriate), scale and name of owner of record, and if a plan is prepared by a registered engineer, architect or surveyor his stamp shall be affixed to the plan. If not, the name and address of the preparer and a statement that the plan is accurate to the best of the knowledge and belief of the preparer, followed by the signature of the preparer shall appear on the plan.

B. Plans accompanying applications for side yard and rear yard variances shall show the location of all structures on the property adjoining the subject property on the side where relief is sought and the distance from the lot line to the structure on the adjoining property.

C. All plans submitted with applications for special permits to build in Flood Plain and Wetlands protection Districts or to locate the Flood Plain and Wetland Protection District Lines shall, in addition to the information required by Section 3 (A) contain:

- 1) Elevation lines for every 2 feet of elevation on the property.
- 2) The location of all rivers, streams, ponds, lakes and other waterways on the property or within 300 feet of the nearest lot line.

- 3) The location of the line of the Flood Plain and Wetlands Protection District on the property.
 - 4) The location of all Wetlands on the subject property and within 300 feet of the property.
 - 5) The location of all FEMA lines on the property.
 - 6) Location of all proposed buildings, and the sanitary facilities.
 - 7) All elevation lines and location of rivers, streams, ponds, lakes and other waterways within 50 feet of the proposed buildings, flood plain lines, wetlands and FEMA lines located within 50 feet of the proposed buildings shall be shown on a scale of 1" = 20'.
- D. All plans except plans accompanying applications for side yard, rear yard, frontage and lot area requirements in Residence I and Residence II districts shall be stamped and certified by a Registered Professional Engineer, Registered Architect or Registered Surveyor and shall be in a form appropriate for recording with the Plymouth County Registry of Deeds except that copies of plans made on linen may be submitted instead of the original (linen) plan.
- a. The Board may in all cases request the Applicant to submit more detailed plans if a majority of the members of the Board sitting on the hearing deem such plans appropriate.

SECTION - 4- FEES

1. All applications shall be accompanied by the amount of the filing fee in effect at the time of the application payable to the Town of East Bridgewater. The cost of advertising shall be collected from the applicant at the time of the hearing.
2. The Board may at its discretion employ professional assistance to review any application at the cost of the applicant. A deposit as stated in the *fee schedule shown below, shall be made by the applicant payable to the Town of East Bridgewater for fees in relation to plan review, at the time of application submittal or during the course of the hearing process, if deemed necessary by the Board. Additional deposits of higher amounts may be required in the case of extraordinary site design, building layout, or design change. As the above deposits are expended, the applicant shall, upon notice from the Board, make further deposits in such a manner that the total deposit with the Town shall at all times equal the initial amount as set forth in the fee schedule. Upon satisfactory completion of the plan review and of any review of a revised plan, the Board shall refund to the applicant any deposit remaining. Any two members of the Board may waive these fees. (revised 11/2/94)

FEE SCHEDULE FOR PROFESSIONAL ASSISTANCE*

Solid Waste Protection District.....\$15,000.00

Comprehensive Permit..... 5,000.00

Wetland Protection District..... 2,000.00
(Any subdivision with two or more lots in wetlands or a portion of a lot in wetlands).

Wetlands Protection District – One Lot..... 500.00

*Any two members of the Board may waive these fees (revised 11.2.91).

ARTICLE III

SECTION – 1 – NOTICES

Notice of hearing shall be advertised as required by the provisions of General Laws, Chapter 40A. In addition, a copy of the notice shall be sent by mail, at least 10 days prior to the date of the hearing, postage prepaid, to the applicant, to the owners of all property deemed by the Board to be affected thereby as they appear on the most recent local tax list (if an abutter's list is required from an abutting town the applicant shall be responsible to acquire the certified abutter's list from that town and submit it to the Zoning Board office along with the application) of the applicant to, to the Planning Board of every abutting town, and to the Building Inspector and all persons required by law to be notified.

SECTION – 2 – HEARINGS TO BE PUBLIC

All hearings shall be open to the public. No person shall be excluded unless he is considered by the Chairperson to be guilty of persistent conduct which seriously disrupts the orderly conduct of the hearing.

SECTION -3 – REPRESENTATION AND ABSENCE

An applicant may appear in his own behalf, or be represented by an agent or attorney. In the absence of any appearance by or on behalf of an applicant without due cause, the Board may decide on the matter using the information it has otherwise received.

SECTION – 4 – ORDER OF BUSINESS

A. Hearings – the order of business at hearings shall be:

1. Reading of notice at hearing by the Clerk, unless waived, together with presentation of exhibits, if any.
2. Applicant's presentation, including an opportunity of all those favorable to the applicant to speak in support of the application.

3. Opponent's presentation, including an opportunity of all those opposing the application to speak in opposition to the application.
 4. Applicant's rebuttal which shall be restricted only to matters raised by opponents' presentation.
 5. Members of the Board and Alternates may direct appropriate questions at any time during the hearing.
 6. At hearings of appeals from decision of the Building Inspector or Zoning Enforcement Officer, the officer whose decision is being appealed shall have the opportunity to explain to the Board his actions and reasons therefore before the applicant's presentation.
- B. An attendance sheet shall be circulated at each hearing which all persons present shall sign.
- C. The Board welcomes the filing of briefs in support of any applicant or opponents' positions on any application. All briefs shall be filed at the hearing unless the Chairman at the hearing permits the filing of briefs after the hearing. No briefs shall be filed later than five (5) days after the hearing.

ARTICLE IV COMPREHENSIVE PERMITS

A. STANDING AND STATUS:

All applications for comprehensive Permits pursuant to Massachusetts General Laws Chapter 40B shall include the following evidence of the applicant's organization:

- 1) Evidence of its organization as a public agency, non-profit organization or a limited dividend organization.
- 2) Evidence of its interest in the proposed site.
- 3) Written communication from the subsidizing agency indicating that the site is acceptable.

Either a preliminary determination in writing by the financing agency that the applicant has sufficient interest in the site, or a showing that the applicant, or any entity, fifty percent or more of the ownership of which is owned by the applicant, legal or equitable, in the proposed site, or holds any option contact to

purchase the proposed site, shall be considered by the Board of Appeals to be conclusive evidence of the applicant's interest in the site.

B. DOCUMENTARY EVIDENCE FOR SUBMITTAL:

The applicant shall submit to the Board of Appeals with its application for a comprehensive permit the following items:

- 1) Preliminary site development plans showing the location and outlines of proposed building; the proposed locations, general dimensions and materials for streets, driveways, parking areas, walks and paved areas within the site. An applicant proposing to construct or rehabilitate four (4) or fewer units may submit a sketch setting out the matters referred to in 760 CMR 31.02 (2) (a) and 31.02 (2) (c) and need not be signed by an architect. All structures of five (5) or more units must have site development plans signed by a registered architect.
- 2) A report on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood. This submission may be combined with that required in 760 CMR 31.02 (2) (a).
- 3) Preliminary architectural, scaled drawings for building plans including typical floor plans, typical elevations and sections, and identifying construction type and exterior finish, signed by the registered architect.
- 4) A tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas.
- 5) In cases where a subdivision of land is proposed, a preliminary subdivision plan shall be submitted.
- 6) A preliminary utilities plan showing the proposed location and types of sewage water and drainage facilities including hydrants.
- 7) Documents specified in 760 CMR 31.01 showing the status of the applicant and the acceptability of the site.
- 8) A list of all requested exceptions to local codes, ordinances, by-laws or regulations, including the zoning by-laws, planning board rules and regulations.

C – PLANS

All plans that come before the Board of Appeals in conjunction with a comprehensive permit shall be as follows:

- 1) All included in Article II Section 3 (A) – (C) of these Rules & Regulations.
- 2) Sixteen (16) copies and the original or linen must be filed with the application.
- 3) Plans shall be prepared by a professional architect, landscape architect, registered land surveyor, or a registered professional engineer.
- 4) Plan size shall be minimum of 8 ½ “ X 11” and a maximum of 24” X 36”.

D – COMPLETED APPLICATIONS

The Board of Appeals will not accept an incomplete application for processing. A complete application shall consist of the following:

- 1) The application for Comprehensive Permit.
- 2) The applicable filing fee. Checks should be made payable to the Town of East Bridgewater.
- 3) Document of Standing and Status (Article IV (A) of these regulations).
- 4) Document Evidence of Submittal (Article IV (B) 1 – 8 of these regulations).
- 5) Criteria of Plans (Article IV (C) 1 – 6 of these regulations).
- 6) Certification of Abutters sheet (Section 2 (d) of this booklet).

E – COMPREHENSIVE PERMIT PROCESS

Upon receipt of a completed application, the Board of Appeals shall, within 48 hours (excluding Saturdays, Sundays and holidays) deliver copies of the application and related plans to the following:

- | | |
|-----------------------|-----------------------|
| a. Board of Selectmen | g. Fire Chief |
| b. Board of Health | h. Building Inspector |
| c. Planning Board | i. Wiring Inspector |
| d. Highway Surveyor | j. Gas Inspector |
| e. Water Department | k. Plumbing Inspector |

f. Conservation Commission

2. Within 30 days from the date of filing the completed application the Board of Appeals shall hold a public hearing.
3. Within 40 days after the public hearing (or hearing if there is a continuance.), the board shall make its decision on the merits of the case. In the decision making process the Board shall take into account the recommendations of other town boards. It may also make use of consultants.
4. Failure to comply with the time limits set forth in Chapter 40B, Section 20-23 shall constitute an automatic approval of the comprehensive permit.
5. Within 14 days of the decision, the board shall file the written decision with the Town Clerk. Copies of the Decision shall be sent to all appropriate town boards and committees, and a copy shall be sent to all abutters and the state financing agency.

F. NOTICE FOR PUBLIC HEARING

1. The notice for the public hearing on an application for a comprehensive permit shall be advertised in accordance with the provisions set forth in Chapter 40A, Section 11 of the Massachusetts General Laws.
2. The Board of Appeals reserves the right to continue the public hearing. The continuance date and time shall also be agreed to by the applicant, but the Board of Appeals may continue the date and time of the public hearing to a specified date of its own choosing in the event no agreement can be reached.
3. An applicant may submit additional documents or amendments to documents to the Board of Appeals during the course of the hearing, with the approval of the Board.

G. APPLICANT'S DEVELOPMENT TEAM

- A. The following information shall be submitted to the Board either prior to formal application for comprehensive Permit, or at the time of filing:
- 1). Names and brief background of all persons who are members of the development team including but not limited to:
 - a. Legal representative
 - b. Development entity -- contact person

- i principal
- ii project engineer
- iii environmental planner
- iv traffic consultant
- v sanitary engineer

ARTICLE V

DISPOSITION BY THE BOARD

SECTION - 1 – VOTING REQUIREMENT

- a. The concurring vote of all members of the Board or alternates who actually sit on a hearing shall be necessary to grant a variance, special permit and comprehensive permit and to overrule the decision of any administrative officer from whose decision an appeal has been taken.
- b. 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 for its decisions.

SECTION – 2 – WITHDRAWAL

An application may be withdrawn by notice in writing to the clerk any time prior to the hearing by the Board. After one advertisement withdrawal shall be allowed only by majority vote.

SECTION – 3 – RECONSIDERATION

Once a petition has been voted upon and the meeting at which such vote was taken has been adjourned, there shall be no reconsideration of a decision of the Board.

SECTION – 4 – REAPPLICATIONS

In order to have a petition reheard within two years, the petitioner must request permission from the Planning Board and Board of Appeals, showing new evidence that substantially alters the conditions of the petition. At least six (6) members of the Planning Board must agree that this condition has been met. Once the boards agree the petitioner must reapply to the Board of Appeals in the manner set forth in Article 11 of these Rules and Regulations.

SECTION – 5 – ONE YEAR LIMITATION ON GRANTS – EXTENTIONS

- 1). If an application is granted by the Board, all permits necessary for the prosecution of the work shall be obtained and construction shall be commenced

within one year from the date of filing of the Board's decision in the office of the Town Clerk.

- 2). Reasonable extension of said time may be granted by the Board in the case of an appeal to the Superior Court under General laws, Chapter 40A, Section 21, or for any good cause shown.

SECTION -- 6 -- WRITTEN DECISION

- 1). A detailed record of proceedings, including the vote on each question, must be filed with Town Clerk within fourteen (14) days of the decision.

ARTICLE VI

AMENDMENTS

- 1). At the annual meeting the Board shall review these rules and regulations and may, by majority vote, make any amendments to them.
- 2). Amendments may be made to these rules and regulations at any other meeting provided that notice of the proposed amendment has been posted with the notice of the meeting.
- 3). These rules and regulations or any amendment thereto shall not become effective until copies are filed with the Town Clerk and the Board of Selectmen.

ARTICLE VII

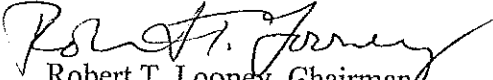
GENERAL PROVISIONS

- 1). DATE OF FILING – All application Forms shall be deemed to be filed on the date they are actually filed with the Town Clerk. All communications other than Applications shall be deemed to have been received on the date they are actually received in the Board of Appeals Office.
- 2). SIGNATURE – Every application, statement, notice, pleading, petition, complaint, motion, brief, memorandum and other document shall be signed by the filing party or by one or more attorneys, in their individual names on behalf of and representing the said filing party. This signature constitutes a certificate by the signer that he has read the document, that to the best of his knowledge every statement contained in the instrument is true, and that is not interposed for delay.
- 3). TRANSCRIPTS OF RECORD – A cassette tape of the hearing shall be kept and the Board of Appeals shall require a party requesting a copy of the tape to pay the reasonable costs of re-taping before the Appeals Board makes the tapes available to the party.

4). DISCLAIMER – Nothing in these Rules & Regulations for filing a Comprehensive Permit shall in any way conflict with General laws, Chapter 40A, Chapter 40B, Section 20 – 23, M.G.L. If such conflict occurs, the State Law shall govern. If any clause, statement, paragraph or regulation in these Rules and Regulations are found to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of the balance of said Rules and Regulations.

Reviewed, approved and adopted this 6th day of September, 2017.

The Clerk is hereby instructed to file a copy of these Rules and Regulations with the Town Clerk forthwith.


Robert T. Looney, Chairman


Gerry Leavitt, Vice Chairman


Kevin Marchant, Clerk