

# BOARD OF ZONING APPEALS RULES AND REGULATIONS

## ARTICLE I ORGANIZATION

### SECTION 1 ANNUAL ORGANIZATION

At the first regular or special meeting in the fiscal year, the Board shall organize by electing a Chairman and Secretary. The Chairman shall preside at all meetings of the Board. In the absence of the Chairman, the Secretary or the Alternate Attorney Member or any other regular member of the Board shall preside.

The Rules and Regulations of the Board of Zoning Appeals shall be mailed to each member along with the notice of the organizational meeting, each year.

### SECTION 2 CHAIRMAN: POWERS AND DUTIES

The Chairman shall vote and be recorded on all matters coming before the Board. Subject to these rules, he shall decide all points of order, unless overruled by a majority of the Board in session at the time. He shall appoint such committees as may be found necessary or desirable.

In addition to the power granted by the general laws and the town by-laws, and the town bylaws, and subject to these rules and further instructions of the Board, the Chairman shall transact the official business of the Board, supervise the work of all subordinates, and exercise general supervisory power. He shall, at each meeting, report on all official transactions that have not otherwise come to the attention of the Board.

### SECTION 3 CLERK

The Clerk shall be such person, not necessarily a member of the Board, as may be designated by the Board. Subject to the direction of the Board and its Chairman, he/she shall conduct all correspondence of the Board; send out all notices required by law, receive and scrutinize all applications in compliance with the rules of the Board; keep dockets and minutes of the Board's proceedings; compile all required records, maintain necessary files and indexes and generally supervise all clerical work of the Board.

The docket of the Board shall be kept up to date and posted in a well bound book, containing the number of the application, the name of the applicant, a short description by street number or otherwise of the premises, the nature of the application and the final disposition. All continuances, postponements, dates of sending notices and other steps taken and acts done shall be noted in the docket.

The minutes of the Board shall include the record of all meetings and hearings, the decision of the Board relating to each case, the vote of each member, those being absent so marked, and all other official actions of the Board.

**SECTION 4 PUBLIC HEARINGS**

Hearings shall be held at Town Hall, 75 Middle Street, Weymouth, MA or at another appropriate location as designated by the Chairman.

**SECTION 5 SPECIAL MEETINGS**

Special meetings shall be called by the Chairman, or at the request of any single member. Written notice thereof shall be posted in compliance with the Open Meeting Law.

**SECTION 6 QUORUM**

- A. A quorum of the Board shall consist of four members. Said members may be in any combination of regular or alternate members.
- B. Whenever a regular member is unable to sit, his/her associate member shall be the first to be seated to fill the vacancy for the meeting. If not available, a different member shall sit.

**SECTION 7 ORDER OF BUSINESS**

The order of business at all special meetings of the Board shall be as follows:

- A. Roll Call
- B. Communications
- C. Report of Committees
- D. Unfinished Business
- E. New Business

**ARTICLE II  
APPLICATIONS TO THE BOARD**

**SECTION I APPLICATION FORM**

Every application form for action by the Board shall be submitted in triplicate on the official form approved by the Board, reviewed by the Director of Planning and Community Development, and filed with the Town Clerk. These forms shall be furnished by the Director of Planning and Community Development upon request. Any communications 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 there-in prescribed.

**SECTION 2 FILING PERIOD**

Every application shall be filed and every appeal taken pursuant to the requirements of MGL, c 40A. Every application for a comprehensive permit shall be taken pursuant to the requirements of MGL, c 40B.

**SECTION 3 FEES**

**SPECIAL PERMIT/VARIANCE**

**3 copies of the BZA Application, 20 copies of the plan, 20 copies of elevation plan & 20 copies of an 11" x 17" reduced plan**

**NOTE: A certified check or money order made out to the Community Newspaper Company for \$46.13 is required for all BZA applications**

Type of Application	Base Rate	Plus Density increase	Plus DPW Plan review
Residential	150.00	Plus 150.00 for the 2 <sup>nd</sup> unit and each additional unit (maximum of 1,500.00)	<ol style="list-style-type: none"> <li>1. \$200/lot for lots ≤ 25,000 square feet (s.f.), 1 set of utility services.</li> <li>2. \$300/lot for lots &gt; 25,000 s.f., ≤ 50,000 s.f., 1 set of utility services.</li> <li>3. \$400/lot for lots &gt; 50,000 s.f., ≤ 100,000 s.f., 1 set of utility services.</li> <li>4. \$500/lot for lots &gt; 100,000 s.f., 1 set of utility services.</li> <li>5. Add \$100/lot for each additional set of utility services.</li> <li>6. Add 20% of fee for each resubmittal, including resubmittal to incorporate DPW comments.</li> <li>7. For projects that do not involve the construction of a new, habitable, complete building/structure (i.e. additions, sheds, decks, pools, etc.) AND involve no utility work, the above fees are to be reduced by 50%.</li> </ol>
Non-residential	450.00	Plus 100.00 for the 2 <sup>nd</sup> 1,000 sq. ft. or floor area and each additional 1,000 sq. ft. or floor area. (maximum of 1,500.00)	See above.
Comprehensive Permit (Ch. 40B)	1,000.00	Plus 150.00 for the 2 <sup>nd</sup> unit and each additional unit (maximum of 1,500.00)	See above.

Utility services shall include, water, sanitary sewer and storm drain system.

Applications must be accepted by the Director of Planning and Community Development and a check payable to the TOWN OF WEYMOUTH for the required FEE and a **separate certified check, cashier's check or money order payable to the Community Newspaper Company for \$46.13** to cover the cost of the required legal advertisement at a rate set by the publisher.

## SECTION 4 PLANS REQUIRED TO ACCOMPANY PETITION

- A. All petitions for dimensional variances and/or special permits shall be accompanied by twenty (20) copies of a plot plan for the Board which shall be stamped by a registered professional land surveyor, showing:
1. The applicants property under consideration and boundary information drawn to scale: the scale to be appropriate to show proposed improvements and existing conditions including drainage and topography, building setbacks, parking layout and dimensions, landscaping, dumpster location, fencing, zoning classifications and district lines, line of watershed protection district, line of vegetated wetlands and limits of 100' buffer zone, and all structures within fifty (50) feet of locus.
  2. The plan shall include the owner's name and address, Weymouth Assessor's Sheet, Block and Lot number.
  3. All plans shall include full sized drawings and twenty (20) copies of a reduction to 11" x 17" of all sheets.
- B. All petitions for dimensional variances and/or special permits involving a new building or addition to an existing building shall be accompanied by twenty (20) copies of preliminary architectural plans for the Board which shall include but not be limited to:
1. Floor plans of all floors drawn to scale appropriate to show proposed improvements and existing conditions.
  2. Elevations drawn to scale appropriate to show the intent and character of the proposal.
  3. Drawings shall show all overall dimensions, gross floor area and calculations for required parking.
  4. All plans shall include full sized drawings and twenty (20) copies of a reduction to 11" x 17" of all sheets.
- C. The provisions of Paragraphs A and B may be modified or waived by the Director of Planning and Community Development. Notice of this waiver shall be submitted **to the Board with the reason(s)** stated for the waiver.
- D. All plans or other required documentation must be received, in final form, by the Director of Planning and Community Development at the time of initial filing of the application for a Special Permit and/or a Dimensional Variance to be considered at the hearing of the application. In the event that the hearing is continued and additional plans or other documentation are requested by the Board, the additional plans or other documentation must be submitted to the Board not later than five (5) working days prior to the continued hearing date; this provision may be modified or waived only by a majority vote of the Board.

**SECTION 5                    APPLICATION DOCKET**

Each application filed and accepted in proper form with complete required data shall be numbered serially, docketed and shall be placed upon the calendar of the Board by the Director of Planning and Community Development acting as an agent of the Board. Advertising shall take place only after application is considered complete.

Completed applications shall consist of forms required by Article 11, Section 1, fee required by Section 3, and all drawings required by Section 4; and a check to cover cost of required legal advertisement at a rate set by the publisher, (current rate on file with the Director of Planning and Community Development). Applications deemed to be incomplete by the Director of Planning and Community Development shall not be accepted.

**SECTION 6                    DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

Upon receipt of an application, the Director of Planning and Community Development or his designated representative shall make a personal inspection of the premises, review all maps, plot plans and architectural drawings and be prepared to advise the Board on the physical condition of the property. The Director of Planning and Community Development or his designated representative may secure from the applicant such information and data as he may deem necessary to fully inform the Board with reference to the application whether or not such information and data is required by the official forms. Any failure or refusal on the part of an applicant to cooperate with the Director of Planning and Community Development in securing necessary information will be considered and incomplete application.

**ARTICLE III  
HEARINGS**

**SECTION 1                    QUORUM**

A quorum for a hearing by the Board shall consist of four (4) members.

**SECTION 2                    NOTICE**

Notice of the hearing shall be advertised as required by the provisions of the General Laws, Chapter 40A, Section 11, as amended.

**SECTION 3                    HEARINGS TO BE PUBLIC**

Hearings shall be held at Town Hall, 75 Middle Street, Weymouth, MA or another appropriate location as designated by the Chairman.

**SECTION 4                    PARTIES MAY BE REPRESENTED**

The applicant may appear in his own behalf, or be represented by an agent or attorney at said hearing. In the absence of any appearance on behalf of an applicant, the Board will proceed to act on the matter on the record before it.

## **SECTION 5                   ORDER OF BUSINESS**

Plans of scheduled cases shall be available for inspection in the hearing room at least one half hour prior to the start of the hearing.

- A.     Chairman will call the meeting to order.
- B.     Secretary will read the order of notice as it appears in the legal advertisement. A motion to waive the reading of the legal notice may be made and voted on.
- C.     Chairman will call on the applicant to make their presentation to the Board including testimony of witnesses, if any.
- D.     Chairman will seek questions from members of the Board.
- E.     Chairman will seek testimony from citizens regarding the application.
- F.     Chairman will provide opportunity for applicant to respond.
- H.     Chairman will seek motions to close the public hearing.
- I.     The application and testimony will be discussed by the Board.
- J.     A motion shall be made with regard to the disposition of the application.
- K.     The Board shall make appropriate findings.

## **ARTICLE IV DISPOSITION BY THE BOARD**

### **SECTION I                   THE VOTING REQUIREMENT**

The concurring vote of four (4) members of the Board shall be necessary to reverse any order or decision of the Inspector of Buildings or other administrative official or to decide in favor of the applicant on any matter upon which the Board is required or authorized to pass or to effect a variance and/or special permit in the application of the Zoning By-Law.

The record shall show the vote of each member upon each question. In all cases where relief is granted to the petitioner or applicant, the record shall set forth clearly the reason or reasons for its decision.

### **SECTION 2                   WITHDRAWAL**

Any petition for a variance or application for a special permit which has been transmitted to the Board of Zoning Appeals may be withdrawn without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon but thereafter may be withdrawn without prejudice only with the approval of the Board.

### **SECTION 3                   REPETITIVE PETITIONS**

No new application covering a matter which has been unfavorably acted upon by the Board of Zoning Appeals shall be permitted unless it meets the requirements of M.G.L. c. 40A. Section 16.

**ARTICLE V  
POLICIES AND ADVICE**

Any advice, opinion or information given by any Board member or by the Director of Planning and Community Development or any other official or employee of the Town of Weymouth shall not be binding on the Board because of the annoyance caused by individuals appealing personally to members of the Board. It is declared to be the policy of the Board to discourage any such personal appeals.

**ARTICLE VI  
AMENDMENTS - AUTHORITY**

These rules may be amended by a majority vote of the members of the Board present, provided that such amendment shall be presented in writing at a special meeting and action taken thereon at a subsequent special meeting.

These rules and regulations adopted by a unanimous vote at a special meeting of the Weymouth Board of Zoning Appeals held on June 1, 2000.

Said rules and regulations to become effective when filed with the Town Clerk on July 3, 2000.