

RULES AND REGULATIONS – HANSON BOARD OF APPEALS

ARTICLE I – ORGANIZATION

Section 1 – OFFICERS

At the first regular meeting following the confirmation of the annual appointee, the Board shall elect all officers of the Board to include a Chairperson, Vice-Chairperson and Clerk. Alternates do not participate in this act.

Section 2 – CHAIRPERSON – POWERS AND DUTIES

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

In addition to powers granted by general laws and local ordinances, and subject to these rules and further instructions of the Board, the Chairperson shall transact the official business of the Board, supervise the work of the Administrative Assistant, request necessary help, direct the work of all subordinates and exercise general supervisory power. He/she shall at each meeting report on all official transactions that have not otherwise come to the attention of the Board.

Section 3 – VICE-CHAIRPERSON

The Vice-Chairperson shall act as Chairperson in case the Chairperson is absent, disabled or otherwise unable to perform his/her duties.

Section 4 - CLERK

The Clerk shall be a member of the Board designated by the Board, Subject to the direction of the Board and its Chairperson, he/she shall supervise all of the clerical work of the Board.

Section 5 – ALTERNATE MEMBERS

The Chairperson of the Board shall designate an Alternate member to sit on the Board in case of the absence, inability to act or conflict of interest on the part of any Board

members. In the event of a vacancy on the Board, the Chairperson may designate an alternate member to act as a member of the Board until someone is appointed to fill the unexpired portion of the vacated team.

Section 6 - **QUORUM**

Three members of the Board are required to be present for a quorum.

Section 7 – **REGULAR MEETINGS**

Regular meetings of the Board of Appeals shall be held at 7:00 pm Tuesday evenings as necessary. If a regular meeting falls on a holiday, election day or another time when the Town Hall is officially closed, there will be no meeting on that Tuesday evening. Should a summer schedule be voted by the Board, such meeting dates will be duly filed with the Town Clerk and posted as required by law.

Section 8 – **SPECIAL MEETINGS**

Special meetings may be called by the Chairperson or at the request of two members. Written notice thereof shall be given to each member at least 48 hours before the time set. Notices shall be posted publicly as required by law.

Section 9 – **OFFICE HOURS**

Office hours for the Board shall be as posted on the Town Hall bulletin board.

Section 10 – **RULES AND REGULATIONS**

At the first regular meeting following the confirmation of the annual appointee, the Board may review these rules and regulations and vote on all amendments or additions thereto. A copy shall then be filed in the office of the Town Clerk and the Board of Selectmen. This shall not prevent the Board from making pertinent changes at any other time.

Section 11 – **GENERAL**

Date of Receipt – all communications shall be deemed to be filed or received on the day on which they are actually received in the Board of Appeals office.

Signatures – every application, statement, notice, pleading, petition, complaint, motion brief, memorandum and other documents 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/she has read the

document, that to the best of his/her knowledge every statement contained in the instrument is true, and that it is not interposed for delay.

Disclaimer – nothing in these Rules and Regulations shall in any way conflict with Chapter 40A. 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.

ARTICLE II – SUBMISSION OR APPLICATION TO THE BOARD

Section 1– APPLICATION FORM

Every application for action by the Board shall be made on the official form. These forms will be found in the back of this Rules and Regulations booklet. Shall booklet will be furnished upon request at the Board of Appeals office or the office of the Town Clerk. Any communication purporting to be an application shall be treated as a mere notice of intention to seek relief until such time as it is made on the official application form.

However, an application for a hearing which is required due to a zoning violation must be completed and returned within **90 days** after notification of said violation unless arrangements have been made with the Board of Appeals for an extension of this time period.

Section 2 - FEES

The official Board of Appeals fee schedule is set forth on the last page of these Rules and Regulations.

HEARING FEE – Current applicable filing fees for a Petition will be on file with the Town Clerk and posted on the Town Hall bulletin board. All checks shall be made payable to the Town of Hanson.

REVIEW FEES – The Board of Appeals may at their discretion employ professional assistance to review any materials pertinent to the hearing at the cost of the applicant. A deposit as stated in the fee schedule filed in the office of the Town Clerk shall be made by the applicant payable to the Town of Hanson for fees in relation to the review at the time of application submittal or during the course of the hearing process if deemed necessary by the Board.

**ALL REVIEW FEES SHALL BE SUBMITTED IN THE FORM OF A
CERTIFIED CHECK OR TREASURER'S CHECK**

Additional deposits of higher amounts may be required in the case of a complex site design, building layout, design change, traffic studies, hazardous or toxic waste studies, hydrological studies or for any other circumstances that the Board feels is applicable. 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 review and of any review of a revised plan, the Board shall refund to the applicant any deposit remaining.

As required by Mass. General Laws (Chapter 44, Section 53G) the applicant has access to an Administrative Appeal before the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. Said law takes effect March 8, 1990.

OTHER FEES - Fees for a transcript of minutes, zoning by-laws, copies and research are set forth on the Fee Schedule at the end of this booklet. These fees may be changed from time to time at the discretion of the Board after an official vote and filing with the Town Clerk.

Section 3 – COMPLETED APPLICATION

It is the responsibility of the applicant to submit to the Board a completed application. Incomplete applications shall not be processed and will be returned to the applicant for re-submission. A completed application will consist of the following:

PETITION APPLICATION IN DUPLICATE
SEVEN (7) COPIES OF COMPLETE PLANS
AGENT AUTHORIZATION LETTER (if applicant is not owner of land)
DEED OR LAND COURT CERTIFICATE SHOWING ALL EASEMENTS,
RIGHTS OF WAY OR OTHER LEGAL ENCUMBRANCES
APPLICABLE FILING FEE MADE PAYABLE TO THE TOWN OF HANSON
APPLICABLE PLAN REVIEW FEE MADE PAYABLE TO THE TOWN OF
HANSON
APPLICABLE CHEMICAL ANALYSIS FEE MADE PAYABLE TO THE
TOWN OF HANSON
CERTIFIED ABUTTERS LIST

CHECK FOR ADVERTISING COSTS IN THE AMOUNT OF \$60.00
PAYABLE TO THE TOWN OF HANSON

Section 4 – PLAN OF LAND TO ACCOMPANY PETITION

Each application and petition to the Board shall be accompanied by seven (7) copies of plans that have been prepared by a professional architect, landscape architect, registered land surveyor or registered professional engineer. Plan size shall be a minimum of 8-1/2" x 11" and a maximum of 24" x 36". All plans shall contain items listed on the Engineer's checklist located at the back of the booklet.

The Board reserves the right to require additional information not listed herein, if in their wisdom, it is pertinent to the overall review of the project, and/or any additional information at the request of the registered professional engineer hired by the Board to review the plan.

An applicant may request in writing a waiver of any of the items in the Engineer's checklist prior to submittal.

ARTICLE III – PROCESS FOR SUBMISSION OF APPLICATION FOR HEARING

Section I – GUIDELINES FOR FILING

The "Assessors Form I" located in the back of this booklet should be taken to the Assessors office so that they may certify the abutters to the subject property. There is a research fee for this certified list of abutters. Certified list is only valid for ninety (90) days from the certification date.

When you have your Certified Abutters list you may then fill out the Petition Application located in the back of this booklet. If the Petitioner is not the owner of record of the property in question, Petitioner must obtain a letter from the owner of record authorizing Petitioner to act as agent in his/her behalf.

Seven (7) copies of pertinent plans prepared in accordance with Article II, Section 4 of these Rules and Regulations shall be submitted with the application.

Should the subject property contain any easements, rights of way or other legal encumbrances, a copy of the Deed or Land Court certificate must be included with the application.

GUIDELINES FOR FILING (cont.)

A filing fee must be made in the form of a check payable to the Town of Hanson. The Plan Review fee should also be made in the form of a check payable to the Town of Hanson. The Fee Schedule is available in the Town Clerk's office and is posted on the Town Hall bulletin board and is also included at the back of this booklet.

The cost of advertising (required by Mass. General Laws) is the responsibility of the applicant. This check should be made payable to Town of Hanson. Submit this check with your application. The Board will send the notice for your hearing along with your check for publication.

Your application should now be complete and ready for submission to the Town Clerk for the town of Hanson. Please check Article II, Sec.3, entitled "Completed Application" to be sure your application is in order.

Section II – PROCESS AFTER FILING WITH TOWN CLERK

Upon receipt of your application the Board will send you a copy of the NOTICE of your hearing and a copy of the abutters list.

The Board is required to send a copy of the hearing notice to every abutter on your list. You must submit to the Board of Appeals PRE-ADDRESSED STAMPED ENVELOPES at current postage rate for this purpose. (Envelopes put through a postage meter will not be accepted.) DO NOT PUT ON A RETURN ADDRESS.

A second set of unsealed envelopes addressed to the abutters and affixed with \$.64 stamps must also be submitted the night of the hearing. These envelopes will be for mailing the Decision to the abutters. The mailing of the Decision must be done by the Board of Appeals in accordance with Mass. General Laws.

ARTICLE IV – HEARINGS

Section 1 – NOTICE

Notice of hearings shall be advertised as required by the provisions of Mass. General Laws, Chapter 40A. In addition, a copy of the advertised notice shall be sent by mail at least fourteen (14) days prior to the date of the hearing, postage prepaid, to the owners of all property deemed by the Board to be affected thereby as they appear on the most recent local tax list to the Planning Board of every abutting town and to all those listed in the law.

Section 2 – HEARINGS TO BE PUBLIC

All hearings shall be open to the public. No person shall be excluded unless considered by the Chairperson to be a “serious hindrance” to the workings of the Board.

Section 3 – REPRESENTATION AND ABSENCE

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

Section 4 – ORDER OF BUSINESS

The hearing will open with a reading of the legal notice by the Chairperson together with presentations of exhibits if any.

The Board will hear the applicant’s presentation.

Any opponents to the proposed project will be given ample time to do their presentation.

Applicant is entitled to a rebuttal to any matters raised by opponent’s presentation.

Members of the Board who are hearing the case may direct appropriate questions during the hearing.

ARTICLE V – DISPOSITION BY THE BOARD

Section 1 – VOTING REQUIREMENT

A unanimous vote of the Board shall be required for approval. The Board shall set forth clearly the reason or reasons for its decision and the record shall show the vote of each member.

Section 2 – RECORDS

A detailed record of proceedings including the vote on each question must be filed with the Town Clerk.

Section 3 – WITHDRAWAL

An application may be withdrawn by notice in writing to the Administrative Assistant of the Board anytime prior to the hearing. After advertisement, withdrawal shall be only by Board approval.

Section 4 – **RECONSIDERATION**

Once a petition has been voted upon and the meeting adjourned, there shall be no reconsideration of a decision of the Board unless the applicant refiles for an amendment to said decision.

Section 5 – **REAPPLICATION**

Once a petition has been denied, in order to have it re-heard within two (2) years, the application must request permission from the Planning Board showing new evidence that substantially alters the conditions of the petition. At least four (4) members of the Planning Board must agree that this condition has been met. Once the Board agrees, the applicant must reapply to the Board of Appeals in the normal manner.

Section 6 – **FILING PERIOD**

Every application or petition shall be filed and every appeal taken within thirty (30) days from the date of refusal of a permit, order, decision or determination of the Building Inspector or other Administrative official.

Section 7 – **REVIEW HEARING**

Should a decision on a Special Permit rendered by the Board of Appeals stipulate that the Review Hearing will be held within a certain time frame, the cost of said hearing will be borne by the original applicant or the current owner of the property or operator of the use on the property for which the Special Permit was granted.

The Review Hearing Fee which is listed in the back of this booklet is due and payable the evening of the Review Hearing

NOTE TO PETITIONER-ENGINEERS CHECKLIST

In order to avoid unnecessary plan revision delays, the Board suggests that you give your engineer this list, along with a copy of the current Zoning By-laws. The By-laws may be obtained at either the Selectmen's Office or the Town Clerk's office for a fee.

TO THE ENGINEER - The Board of Appeals has compiled this list of items that it wants to see on the plan. If you have any questions as to what is applicable and what is not applicable to the project you are working on, please contact the Administrative Assistant at the Board of Appeals.

GENERAL PLAN INFORMATION

Stamped by a Registered Engineer (proof of unexpired registration shall be submitted with plans).

Indicate all property boundaries.

Use, ownership, driveways, street details, septic system and well within 200 feet of locus.

Zoning district, use of property, locus, direction indicator, scale, name of Owner of Record.

GENERAL INFORMATION ON LOT

Service areas	Maximum Total Gross Coverage
Screening	Maximum Total Building Coverage
Signs	90% Upland Requirement
Sewage	Lot size in Square Feet
Landscaping	Actual grades or contours
Setbacks & Buffers	Finished grades or contours
Frontage	Drainage Calculations

GENERAL INFORMATION ON BUILDING

Location of all structures	Dimensions of buildings existing and proposed
Building Height	Building size in square feet
Lighting	Floor area of building
Loading area	

GENERAL INFORMATION ON ROAD/DRIVEWAYS

Driveways dimensions – length & width
Driveway openings
Driveway paving
Radius
Drainage calculations
Catch basins and gas traps

GENERAL INFORMATION ON PARKING

Parking lot paving
Parking lot drainage and catch basins with gas traps
Parking spaces lined and tire stops

PARKING (cont.)

Parking lot lighting

Handicap spaces

Parking calculations

WETLANDS/AQUIFER WELL PROTECTION ZONE INFORMATION

Indicate all wetland areas

Indicate if located in Aquifer Well Protection District

Indicate on plan if located within 500 feet of Aquifer Well District

Indicate by note if located within 1,000 feet of Aquifer Well District

Drainage run-off calculations on wetlands

FEE SCHEDULE

HEARINGS:

Site Plan Approval	\$	200.00
Variance		250.00
Special Permit		200.00
Special Permit (home occupation)		150.00
Section 13 Appeal		250.00
Comprehensive Permit		2,500.00
Review Hearings		100.00

AN ADDITIONAL \$50.00 FEE WILL BE CHARGED FOR EACH ADDITIONAL PERMIT REQUESTED (per application) OVER AND ABOVE THE HIGHEST FEE APPLICABLE

REVIEW FEES:

Plan Review Fee	\$	7,500.00
Comprehensive Permit Plan Review Fee		15,000.00
Chemical Analysis Fee		500.00

OTHER FEES:

Photo copies of Public Records (each)		.25
Search Time (per hour)		21.97
Zoning By-law Book		25.00