

ZBA PERMIT APPLICATION GUIDANCE

APPLICATION PROCESS

Applicant's Responsibilities:

1. Read 'Application Instructions and Information' provided with Application.
2. To identify any neighbors' concerns and to make the public hearing flow more smoothly, you may want to notify your neighbors of your proposed plans in advance of completing the application and/or in advance of the public hearing
3. Complete application form and submit to Town Clerk's Office with payment and all supporting documentation.

Town's Responsibilities (Town Clerk and Zoning Board of Appeals Clerk):

1. The Town Clerk will accept and date-stamp your application and give it to the ZBA Clerk to review and to notify the applicant if the packet is incomplete.
2. The ZBA Clerk will prepare a public hearing notice that she will send to the applicant, the abutters and other municipal boards and officials as well as advertise the public hearing in the local newspaper and post notice of the public hearing at Town Hall.

PUBLIC HEARING

Applicant's Responsibilities:

1. While waiting for the public hearing, the Applicant should contact any other boards/departments to determine if paperwork or other applications for permits need to be filed with them:
 - Conservation Commission: if proposed construction is within 100 ft. of wetlands/water or within 200 ft. of a water course
 - Board of Health: if property has or will have a septic system or well
 - Department of Public Works: if the property is on Town water; or is on Town sewer and a potential bedroom is being added
 - Planning Board: for a special permit, driveway/curb-cut permit or other permit(s) that may be needed
 - Treasurer/Collector's Office: to confirm that no taxes or fees are owed to the Town by the Applicant (General By-laws of Manchester-by-the-Sea: Article 10, Section 40)
 - Building Department: to provide notice that filing has been done and to see what other information may be required for filing a building permit
2. The Applicant should attend the public hearing and be prepared to answer questions that may arise. Additional documents may be requested for future hearing dates. For large projects or for projects that may be controversial, the applicant may want to have their architect, lawyer or other representatives present.

Town's Responsibilities (Zoning Board of Appeals):

1. A public hearing shall be held within 65 days of application filing (MGL 40A, Sections 9 and 15).
2. The Zoning Board of Appeals may vote to approve or disapprove the application at the initial public hearing or they may vote to continue the hearing to their next monthly public meeting.

DECISION AND FOLLOW-UP

Applicant's Responsibilities

1. The ZBA Clerk will notify you promptly upon filing the final decision at the Registry of Deeds. You may **also** follow up with the Town Clerk's Office within three to four weeks after close of the public hearing to find out if the ZBA's decision has been filed with the Town Clerk. If the Town Clerk's Office does not have the decision, you may contact the ZBA Clerk to check the status of the decision. There is a 20-day appeal period that starts when the decision has been filed with the Town Clerk.
2. If a building permit is required, the applicant or their agent should complete the application process through our on-line permitting. This may be completed while waiting for the appeal period to expire.

Town's Responsibilities (Zoning Board of Appeals, Zoning Board of Appeals Clerk)

1. The ZBA will determine which ZBA member will write the decision and file it with the Town Clerk. For a variance or appeal, a decision must be filed with the Town Clerk within 100 days from the date of application. (MGL 40A, Section 15). For a Special Permit, the decision must be filed with the Town Clerk within 90 days of the close of the public hearing. (MGL40A, Section 9). The typical time for a decision to be filed with the Town Clerk following the close of the public hearing is three to four weeks.
2. As soon as possible, but no later than one week after the public hearing, the ZBA Clerk will notify the Town Clerk, Assessor's Office, Building Department, Board of Health, Conservation Agent, Planning and Department of Public Works of actions taken at the meeting.
3. Once the decision has been filed with the Town Clerk's Office, the ZBA Clerk will send the decision to the Applicant and others of interest, file the decision with the Registry of Deeds and distribute the decision to the departments listed above.