



Town of Dartmouth

Office of the Zoning Board of Appeals

400 Slocum Road, Dartmouth, MA 02747

Telephone (508) 910-1868 ♦ Fax (508) 910-1833

APPLICATION INSTRUCTIONS

Every application submitted for action by the Zoning Board of Appeals, including special permits, variances, amendments, comprehensive permits, administrative appeals, and extension requests shall be made on the official application forms of the Board.

Applications for special permits, variances, and amendments require zoning determination(s). Such determinations are not required for an administrative appeal, comprehensive permit, or an extension request. Failure to provide the required information, including the specific reference(s) to all applicable sections of the zoning by-laws may result in the need for a new application and hearing. It is the Board's recommendation that the Zoning Enforcement Officer be consulted for the zoning determination(s) to ensure that the correct provisions of the by-laws are cited for legal purposes. Securing the signature of the Zoning Enforcement Officer, although not required, is suggested for all applications except for an Administrative Appeal. For an Administrative Appeal, a copy of the appeal must be submitted to the Zoning Enforcement Officer's office. Call the Building Department at (508) 910-1820 to schedule an appointment.

Colored photos of the subject parcel/structure(s) are required from all angles.

All applications must be accompanied by appropriate plans.

NO HAND DRAWINGS WILL BE ACCEPTED

THE FOLLOWING IS REQUIRED WITH SUBMITTED APPLICATIONS

- Plan(s) stamped by a Registered Land Surveyor , Registered Engineer, Architect, or Landscape Architect, as applicable
- One full-sized set (24 x 36) and seven reduced sets (11 X 17) of applicable plans

Building Plans: Shall include accurate, scaled drawings of:

- Elevations, showing exterior facades indicating materials and architectural features
- Floor plans with dimensions showing schematic layout, use of interior spaces and means of egress

Site plans: Shall include the following as applicable:

- Name of property owner, developer, and engineer/surveyor/landscape architect or builder
- Address of subject property, including map and lot numbers of all parcels
- Date, title and scale of plan
- Locus map showing site location and location of buildings on surrounding properties, north arrow
- Deed restrictions
- Existing and proposed site conditions, including lot lines, easements, rights-of-way, size of property in square feet, frontage, front, side and rear setbacks
- Calculation of total lot area, wetlands, building coverage and total lot coverage
- Location and use of all existing and/or proposed buildings and structures, including dimensions and heights
- Location and names of existing and/or proposed streets, curb cuts, entrances and exits, parking areas, sidewalks, loading/service areas, utility systems
- Existing and proposed contours and finished grade elevations, including location and volume of significant filling or excavations
- Location of all natural features, including significant watercourses, wetlands, water bodies, bedrock outcroppings, stone walls and trees. In addition, stone walls and trees to be affected by clearing and/or construction within any portion of any public right-of-way immediately adjacent to the subject property
- Stormwater Management Plan showing proposed Stormwater Management System including design calculations and maintenance schedule. The Stormwater Management System shall be designed in accordance with the applicable Massachusetts Department of Environmental Protection (D.E.P.) Stormwater Management Policy Handbook and Technical Handbook as most recently amended and with all other applicable Town of Dartmouth Stormwater Management requirements.
- Location of containers and enclosures for storage and disposal of waste, recyclables and, where applicable, waste kitchen oil
- Number and location of parking spaces required

Landscape Plan: Showing proposed vegetation to be planted, including street and shade trees, shrubs and other plantings. Parking lot screening, by species and type shall be detailed. Existing vegetation of lot and any intermittent or year-round streams, ponds or other wetlands shall also be shown.

Sign Plan: Including, but not limited to, dimensions, color, graphics, placement, lettering and any sign lighting.

Lighting Plan: Showing location and type of outdoor lighting and lighting fixtures, with said lighting to be designed to minimize glare and light spillover onto adjacent properties, streets and the night sky.

Soil Erosion Plan: Showing all measures proposed to prevent or reduce erosion both during and after construction.

Completed applications and accompanying plans/documentation are to be submitted to the Zoning Staff Assistant located in the Board of Appeals office. All taxes and fees due to the Town must be paid prior to submitting an application with the Zoning Board of Appeals. A certification form stating that the subject parcel(s) do not have any tax issues can be obtained from the Zoning Staff Assistant's office and then signed by the Tax Collector. The Zoning Staff Assistant will review the project proposal and submitted material. Upon acceptance of the application, he/she will collect the appropriate fees. The Zoning Staff Assistant will file the application with the Town Clerk. The Town Clerk shall time-stamp the application upon receipt, and this date is the official filing date for the application.

APPLICANT/PETITIONER'S CHECKLIST

- Completed application (7 copies) including any required signatures by various Town Departments**
- Two separate checks**
 - * **one for advertising fee; and**
 - * **one for postage fees and application fee made payable to "Town of Dartmouth"**
- Applicable plans stamped by a Registered Professional (see instructions) (One (1) full set, seven (7) reduced sets)**
- Seven (7) colored photos, if applicable**

If you need assistance or have any questions at any time during this process, please call the office of the **Zoning Board of Appeals** at **(508) 910-1868**.

GENERAL INFORMATION

A copy of the Zoning By-laws is available at the Town Clerk's office for a nominal fee, and can also be found on the Town of Dartmouth website.

- Town Clerk Office (508) 910-1800
- Town of Dartmouth website
www.town.dartmouth.ma.us

Parcel information, including map and lot numbers, may be obtained from the Assessor's Office and can also be found on the Town of Dartmouth website.

- Assessor's Office (508) 910-1809

PROCEDURAL INFORMATION

Chronicle Notice

In accordance with MGL Chapter 40A, Section 11 a notice of public hearing shall be published twice in the Dartmouth Chronicle, or in a newspaper of general circulation in the Town in each of two (2) successive weeks not less than fourteen (14) days in advance of the hearing. The ad will be placed by the Zoning staff Assistant and the advertising fee shall be paid by the owner or applicant. This Notice will also be posted in accordance with M.G.L. Chapter 40A, Section 11.

The Zoning Staff Assistant will mail a copy of the advertised notice to all parties in interest including abutters within 300' of the subject parcel(s) as they appear on the most applicable tax list. Copies are also distributed to the Town Clerk, Planning Board, Director of Inspectional Services, and any other relevant Town departments/boards. Notice will also be sent to the property owner, Applicant/Petitioner, and representatives of the Applicant/Petitioner (engineer/attorney).

Hearings

All applications for special permits, variances, amendments, comprehensive permits, and administrative appeals shall be heard at duly advertised public hearings. The Applicant/Petitioner and/or representative must be present at the public hearing. The Zoning Board of Appeals meets on any given Tuesday night of the month.

Site Visits

The Board may choose to view the subject property prior to the hearing. The purpose of this visit is to view the site/structure and its relation to the surrounding area. Testimony shall not occur outside of a public hearing.

Hearing Procedure

The Chairman shall open the hearing and be in charge of all portions of the hearing. Hearings typically proceed in the following order:

- Notation for the record of all submitted materials and observations of the site visit, if applicable
- Applicant and/or representative's presentation
- Questions from the Board
- Comments and questions from the public
- Applicant/representative's response
- Final comments and questions from the public, applicant/representative, and Board
- Close of evidentiary part of the hearing*
- Findings of fact and Decision

*Hearing may be continued to a date certain per request of the applicant/representative or the Board. The Board may choose to seek *additional* information from any Town official, Board, committee, agency, or any other person whom the Board believes may have appropriate expertise in any matter.

Voting

The unanimous vote of the three sitting Board members is required in granting special permits, variances, amendments to previously approved decisions, comprehensive permits, appeals, and extension requests.

Findings and Decision

Consideration of an application shall be based on findings of fact as presented by the applicant, as well as specific findings of the Board that the application meets all of the necessary provisions of the by-law. This process is conducted within the public hearing.

Approval may be subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with appropriate sections of the by-law.

The Board's written decision shall state the specific findings of fact and reasons for its decisions based on the applicable sections of the zoning by-law(s). The Board has fourteen (14) calendar days to submit its written decision to the Town Clerk. The Zoning Staff Assistant will file the decision with the Town Clerk. The Town Clerk shall time-stamp the decision upon receipt, and this date is the official filing date for the decision. A copy of the decision will be mailed to the applicant. Notice of the decision will be sent to all parties in interest.

Appeal Period

Anyone wishing to appeal the Board's decision must do so within twenty (20) calendar days of the official filing date of the decision.

Granted Decisions

Decisions do not become valid until they are recorded with the Registry of Deeds. The Applicant/Petitioner bears all responsibility for this recording, including any fees. After the appeal period has lapsed, or an appeal was dismissed or denied in district or land court, a **certified** copy of the Board's decision must be obtained from the Town Clerk and recorded with the Registry of Deeds. After recording is completed, the Applicant/Petitioner must submit written proof of that recording (new book and page number) with the Zoning Staff Assistant. The Zoning Staff Assistant will forward the completed file to the Building Department to allow the project to proceed.

Note:

The rights authorized by a decision of the Zoning Board of Appeals do expire.

The timeline for which a decision is valid is written in the decision.

Denied Decisions

Pursuant to Massachusetts General Laws Chapter 40A, Section 17 the Applicant/Petitioner may appeal the decision of the Board within twenty (20) calendar days of the decision's official filing date. Denied applications may not be re-filed for two years.

6-Month Extension

The Board, in its discretion and upon written application, may extend the rights authorized by the decision for a period not to exceed six months. The extension application must be filed with the Zoning Staff Assistant prior to the expiration date of the decision.

Withdrawal

Any application may be withdrawn at any time prior to publication of legal notice publication by written request submitted to the Zoning Staff Assistant.

A request to withdraw an application after legal notice requires approval by unanimous vote of the Board at a public meeting. At least two members of the original Board panel assigned to the application must participate in the vote. Such a request may be made either in writing to the Board or orally by the applicant/representative at the public meeting.

If an application is withdrawn without prejudice, it may be re-filed at any time.

FEE SCHEDULE

As of September, 2013

Advertising Fee - Cost based on advertising rates. A check made payable to “SOUTHCOAST MEDIA GROUP” for publication in The Dartmouth Chronicle.

Postage Fee – Cost based on the number of parties/abutters in interest. The Zoning Board of Appeals Principal Clerk Assistant will determine the postage fee for applicant. A check made payable to “TOWN OF DARTMOUTH” is required for postage fee.

Application Fee

Check made payable to “TOWN OF DARTMOUTH” for application fee.

****** POSTAGE FEE AND APPLICATION FEE MAY BE SUBMITTED ON ONE (1) CHECK ******

Relief	Residential	Commercial
Special Permit	\$360.00	\$760.00
Variance/ Change of Use Variance	\$360.00	\$760.00
Amendment	\$360.00	\$760.00
Administrative Appeal	\$510.00	\$510.00
Six-Month Extension	\$110.00	\$110.00
Comprehensive Permit	\$360 + \$60 per unit	\$760 + \$60 per unit
Substantial Modification to the Comprehensive Permit	\$360 + \$60 per unit	\$760 + \$60 per unit

Special Permit

(non-conforming uses, structures, lots, accessory building with kitchen or bathroom facilities, renting of rooms in a non-owner occupied dwelling, projects in the aquifer protection district, off-site parking, telecommunications facilities, gasoline station or automotive service, kennel, adult uses, etc.)

Variance

(lot area, lot coverage, frontage, setbacks or other dimensional requirements, etc.)

Change of Use Variance

(residential use in the general business district, for example)

Amendment

(amend an existing decision, modify a restriction, change a plan of record, etc.)

Administrative Appeal

(appealing an order or decision of an administrative official, inability to obtain enforcement action, inability to obtain a building permit)

Six-Month Extension (extend the timeline of the rights authorized by an existing decision.)