

ZONING BOARD OF APPEALS

**26 COURT STREET
PLYMOUTH, MA 02360**

(508) 747-1620 Ext. 10138

NOTICE TO ALL ZONING BOARD OF APPEALS PETITIONERS

y y y PLEASE NOTE p p p

Effective February 14, 2013, ALL applications for the Zoning Board of Appeals shall be filed by the applicant with the Administrative Secretary to the Board. A copy of the application including all documentation will be submitted to the Town Clerk by the Zoning Board of Appeals office.

Petitioners should meet with the Administrative Secretary to the Zoning Board to insure that their applications are complete and comply with the attached instructions. If the Administrative Secretary is not available, the Planning Administrative Assistant or Conservation Administrative Assistant will accept the application subject to review by the Zoning Board of Appeals Administrative Secretary before submission to the Town Clerk.

ZONING BOARD OF APPEALS

**REGULATIONS GOVERNING FEES
AND
FEE SCHEDULES**

**Adopted November 6, 2013
Adopted June 11, 2003
Amended January 23, 2019**

SECTION 1. INTRODUCTION.

1.1 Procedural History. Pursuant to G.L. c. 40A, ss. 9 and 12, the Zoning Board of Appeals has adopted regulations governing fees and a new schedule of fees for review conducted by the Zoning Board of Appeals and its consultants on the various types of applications which come before it.

SECTION 2. FEE STRUCTURES AND REGULATIONS.

2.1 General. The Zoning Board of Appeals shall impose reasonable fees for the review of applications which come before it. The Zoning Board of Appeals may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

2.2 Form of Payment. All Administrative and Project Review Fees shall be paid by check.

SECTION 3. ADMINISTRATIVE FEES.

3.1 Applicability. An Administrative Fee shall be assessed to offset the expense of review by the Zoning Board of Appeals and Town employees.

3.2 Submittal. Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

3.3 Schedule of Administrative Fees. The following schedule applies to the types of applications to the Zoning Board of Appeals set forth below.

<i>TYPE OF RELIEF SOUGHT</i>	<i>REQUIRED FILING FEE</i>
1. Appeal pursuant to G.L. Chapter 40A, Section 8	\$1,000.00
2. Variance pursuant to G.L. Chapter 40A, Section 10	\$100.00 (Residential) \$800.00 (Commercial)
3. Relief for Combination of two or more Either Special Permit or Variance	\$150.00 (Residential) \$1,000.00 (Commercial)
4. Special Permit pursuant to G.L. Chapter 40A, Section 9,	\$100.00 (Residential)

pursuant to Section 205-03:	\$400.00 (Commercial)
5. Special Permit pursuant to Section 205-25 for non-conformities (Commercial property including apartments) For requests in excess of 5 units, \$50.00 per each additional new residential unit	\$800.00
6. Comprehensive Permits per G.L. Chapter 40B Plus \$50.00 for each additional unit over 20 units	\$1,000.00

3.5. Fee Waivers. The Zoning Board of Appeals may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

3.6 Refund. Once the review process has been commenced, the Zoning Board of Appeals shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.5, above.

SECTION 4. PROJECT REVIEW FEES.

4.1 Applicability. In addition to an Administrative Fee, the Zoning Board of Appeals shall impose a Project Review Fee on those applications which require, in the judgment of the Zoning Board of Appeals, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

4.2 Submittal. Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

4.3 Schedule of Project Peer Review Fees. The following schedule applies to the types of applications to the Zoning Board of Appeals set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Laws and any listings which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Zoning Board of Appeals for action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.

A. Original Special Permit, Variance, or Comprehensive Permit or Modification thereof:

<u>Project Size</u>	<u>Fee</u>
5 - 15 Lots/Units	\$4,000.00
16 - 20 Lots/Units	\$6,000.00
21 - 25 Lots/Units	\$10,000.00
More than 25 Lots/Units	\$20,000.00

OR

40,001 – 100,000 sf building size	\$6,000.00
100,000 +	\$15,000.00

OR

Twenty or fewer Parking Spaces	\$2,500.00
Twenty-One or more Spaces	\$5,000.00
Wireless Communications Facility	\$3,000.00

B. Administrative Appeal of a Decision of the Building Commissioner \$1,000.00

4.4. Fee Waivers. The Zoning Board of Appeals may waive or reduce any Project Review Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

4.5 Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Zoning Board of Appeals shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

4.6 Inspection Phase. After the granting of a Special Permit, Variance, or Comprehensive Permit, the Zoning Board of Appeals may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

4.7 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.

- A.** Outside consultants retained by the Zoning Board of Appeals to assist in the review of an application shall be paid from this account.
- B.** Project Review Fees shall be turned over to the Town Treasurer by the Zoning Board of Appeals for deposit into a 53G Account.

- C.** A copy of the latest statement from the banking institution handling the 53G Account shall be forwarded from the office of the Town Treasurer to the office of the Zoning Board of Appeals as soon as it is received for timely and accurate accounting.
- D.** An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.

 - 1.** The Zoning Board of Appeals shall respond to the request in a timely fashion.
 - 2.** This accounting shall include the following information:

 - a.** The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the office of the Zoning Board of Appeals, based on the latest statement from the banking institution.
 - b.** A report of all checks authorized for issuance since that last banking statement.
- E.** An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- F.** Excess fees in the 53G Account, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

 - 1.** With the filing of a decision with the Town Clerk denying or awarding a Special Permit, Variance, or Comprehensive Permit.
 - 2.** With the filing of a decision with the Town Clerk regarding an Administrative Appeal.

SECTION 5. DELINQUENT ACCOUNTS. The following rules apply to fees owed to the Zoning Board of Appeals by applicants:

5.1 Monthly Interest Charge. All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 14%.

5.2 Costs of Collection. All costs of collection associate with past due accounts shall be borne by the applicant.

5.3 Current Delinquents. All applicants owing fees to the Zoning Board of Appeals at the time of any amendment to these provisions of the regulations shall be sent the following:

- A. A duplicate notice of the amount past due.
- B. A copy of the applicable sections of these regulations with all amendments clearly indicated.
- C. Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.

SECTION 6. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES.

6.1 Amendment. The Zoning Board of Appeals may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- A. Amendments shall be preceded by a public hearing.
- B. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Town Clerk.

REQUIRED INFORMATION FOR ALL ZBA PETITIONS

1. **Copy of the Zoning Permit Application showing denial by the Director of Inspectional Services.**
2. **All petitioners requesting setback variances, special permits and appeals (if applicable) must submit:**
 - a. Plan submitted shall be drawn to a scale of one inch = 20 feet, one inch =40 feet or one inch = 100 feet where practical and appropriate to the size of the proposal.
 - b. Existing Conditions Plan - An existing conditions site plan submitted at the same scale as the site plan and stamped by a professional surveyor. The plan shall include:
 - the size of the property;
 - the topography at two-foot contour intervals;
 - general soil types;
 - vegetation cover, including accurate locations of wooded areas and major trees;
 - roads, structures or other significant features; and
 - A locus map.

For small sites or projects of a relatively simple nature, this information may be provided on the site plan at the discretion of the Chair of the Board of Appeals.

Photographs of representative portions of the site at a size of eight inches by 10 inches shall also be included.

- c. The projects consisting of 2 acres, 10 units or 20,000 sf of building space the following additional information is needed:
 - General characteristics of all surrounding properties within 200 feet of the proposed development site including topography, structures, parking areas, driveways, pedestrian ways, and natural features.
- d. The site plan and any other documents and drawings necessary shall precisely indicate:
 - the area of the site;
 - the proposed uses of the land;
 - Setbacks and dimensions should also be shown locating all buildings and structures on the lot;
 - the nearest of abutting property owners; street or any other identifying information, and all contemplated changes or additions.
 - The proposed requested relief shall be staked-off on the property wherever applicable.
 - All signage is to be shown on this plan.
 - the vehicular circulation system, including pavement widths, right-of-way, and how the system relates to the surrounding street pattern;
 - all parking;
 - Proposed landscaping and screening;
 - the pedestrian circulation system and other pedestrian facilities and how they relate to surrounding pedestrian circulation;

- all proposed structures, including their location, floor plans, building elevations, height, materials, elevations, and other necessary design information;
 - the number and type of dwelling units, if any, and their density or land use intensity within specific clusters and over the entire site;
 - service access and facilities for all structures or uses, including garbage and trash disposal facilities;
 - the location of all open space, including its intended use, natural trees and foliage to be maintained, specific new planting by size and location, finish contours of the topography and other precautions to stabilize all slopes; all site drainage, including natural courses and storm drains; significant site appurtenances such as walls, light poles, recreation areas and facilities; and any other items reasonably requested by the Board of Appeals.
- e. Where appropriate there shall also be submitted any drawings or documents necessary to establish the feasibility of proposals for water supply, waste and storm water disposition, the feasibility of planting proposals, and all easements or restrictions to be proposed for open space, utilities or other purposes.
- f. **Final submission to Building Commissioner.** Upon issuance of a Special Permit an application for a Zoning Permit shall be resubmitted to the Building Commissioner accompanied by the Special Permit, Development Plan as well as any other information submitted by the petitioner.
- g. **PLEASE NOTE: ONCE AN APPLICATION TO THE ZONING BOARD OF APPEALS HAS BEEN FILED IN THE ZONING BOARD OF APPEALS' OFFICE, NO CHANGES MAY BE MADE BY THE APPLICANT TO ANY PLANS ACCOMPANYING SUCH APPLICATION UNLESS THE CHANGES HAVE BEEN REQUESTED OR ALLOWED BY THE ZONING BOARD OF APPEALS DURING THE PUBLIC HEARING.**
- h. Documents Required (**The plan MUST be dated within the last two years**):
- i. Fifteen (15) Copies of the enclosed ZBA petition application (packet to include all supporting documentation).
 - ii. Eighteen (18) full-sized copies of site plans and any other plans required.
 - iii. One (1) Full set of 11"x 17" plans
 - iv. The Board of Appeals Chairman shall determine whether the following additional information is required: landscaping plan, grading plan, drainage calculations, architectural plans (and the extent of architectural information required), and/or a traffic study. Such additional information shall be submitted within such time as the Chairman may determine, or in the alternative, such information will not be required.
 - v. Low impact stormwater design and MassDEP best management practices for stormwater design are strongly encouraged.
 - vi. One (1) Full Set of Plans in Electronic Format (PDF or TIF).
- i. Any other information requested by the Special Permit Granting Authority.
- j. A certified listing of abutters obtained from the Assessor's Office which shall include the owners of land within a 300' radius. The Assessor's Office shall certify this list with the names and current addresses for a fee. This certified list must be **included with your**

application. Additionally, a fee of \$2.00 per abutter shall be submitted. A check made payable to the **Town of Plymouth.**

- k. A check made payable to the **Town of Plymouth** for the application-filing fee. (See attached fee schedule).
- l. A check made payable to **Town of Plymouth** in the amount of **\$110.58** (or the most current cost as established by the newspaper where the advertisement will be run) for the cost of advertising the petition. State Law requires that a legal notice be published in a local newspaper once in each of two consecutive weeks, the first publication to be not less than 14 days before the hearing date. You will be notified by mail at least a week prior to the date of your hearing.
- m. A copy of the most recently recorded Deed or Certificate of Title for the subject premises.
- n. For all Special Permit, Comprehensive Permit, and Variance applications for all commercial projects and for all residential projects over two-family, the Applicant shall install signage notifying the public of the request for zoning approval. The sign shall be located in a place visible to the public and approved by the Department of Planning and Development. The sign shall be installed one week prior to the first public notice in the local newspaper. The Applicant shall provide proof of sign installation (affidavit and/or photograph) to the Administrative Secretary at the same time as sign installation. Failure to document installation may result in a hearing continuance, at the discretion of the Board of Appeals.

The sign shall be of weatherproof material, 24 inches wide, 18 inches high, consist of black letters on a yellow background, and be mounted with a centerline 30 inches about the ground.

The text shall include the following information:

Request for Zoning Approval

Zoning Case No: 39xx

Hearing Date and Time: Month DD, Year at {Time} p.m.

Location: Town Hall, 26 Court Street, Plymouth, Massachusetts 02360

Property Address: # Street Name, Plymouth, MA

Proposal: ?????? – State whatever the proposal is for

Zoning Required: Special Permit or Variance per Bylaw Section xxx

Contact Town Hall for further information on related Public Meetings

Town of Plymouth, 26 Court Street, Plymouth Massachusetts 02360

Zoning Board of Appeals: 508-747-1620 x10138

Planning Department: 508-747-1620 x10141

Website: www.plymouth-ma.gov

The sign shall be removed within 7 days after the public hearing.

- o. Other Information When Required
 - Three (3) Sets of Drainage Calculations and Plans (also in Electronic Format)
 - Three (3) Copies of Traffic Reports (also in Electronic Format)

3. Additional Information Required For Retirement Mobile Home Planned Unit Development §203-12.

- i. Depiction of the entire Development Site, including all abutting land or land within 1,000 feet of the proposed RMHPUD owned by or subject to an option to purchase agreement with the applicant; and
- ii. A phased construction plan.

4. Wind Energy Facility §207-9.

- a. A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), street landscape features, dwellings and other structures within one-hundred (100) feet of the property line.
- b. A one-inch-equals-40 feet vicinity plan, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:
 - i. Property lines for the subject property and all properties adjacent to the subject property within 300 feet.
 - ii. Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet. Distances, at grade, from the proposed Wind Facility to each building on the vicinity plan shall be shown.
 - iii. Proposed location of the Wind Facility, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads.
 - iv. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the Wind Facility.
 - v. Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the Wind Facility.
 - vi. Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
 - vii. Contours at each two feet Above Mean Sea Level (AMSL) for the subject property and adjacent properties within 300 feet.
- c. Representation of location of viewpoint for the sight-line diagram referenced below.
- d. Sight lines and photographs.
 - i. Sight-line representation. A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations

illustrating the visibility of the facility from surrounding areas such as the closest habitable structures or nearby public roads or areas.

- ii. Existing (pre-development) photographs. A color photograph of the current view shall be submitted from at least two locations to show the existing situation.
- iii. Proposed (post development). Each of the existing-condition photographs shall have the proposed wind facility superimposed on it to accurately simulate the proposed wind facility when built and illustrate its total height, width and breadth.
- e. Elevations. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind facility.
- f. Materials.
 - i. Manufacturer's specifications for the proposed wind facility shall be provided for all equipment and attendant facilities.
 - ii. Component materials of the proposed wind facility specified by type and specific treatment.
 - iii. Colors of the proposed wind facility represented by a color board showing actual colors proposed.
- g. Landscape plan. A Landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.
- h. Other requirements.
 - i. Confirmation that the wind facility complies with all applicable Federal and State standards.
 - ii. If applicable, a written statement that the proposed wind facility complies with or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
 - iii. Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town at least 14 days, but not more than 21 days prior to the test.

5. Inclusionary Housing § 207-7 (3) copies of ONE of the following, in order of preference:

- a. The Memorandum of Understanding (MOU) between the Developer and the Plymouth Office of Community Development as described in the Town of Plymouth's Developing Affordable Housing in Plymouth guide including:

- i. The location, structure, proposed tenure (rental or ownership) and size of the proposed Market Rate and Affordable Units;
 - ii. The calculations used to determine the number of required Affordable Units;
 - iii. A floor plan or site plan depicting the location of the Affordable Units;
 - iv. The income level targets for each Affordable Unit;
 - v. The mechanisms that will be used to assure that the Affordable Units remain affordable for the required term;
 - vi. for phased developments, a phasing plan;
 - vii. a description of any requested incentives as allowed in Paragraph C(8); and
 - viii. a marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent affordable units, consistent with the Local Initiative Plan requirements of the Massachusetts Department of Housing and Community Development; OR
- b. A written request for waivers of this requirement stating the reasons for this request, OR
 - c. A written explanation of reasons Petitioner seeks confirmation of exemption from said requirements

NOTICE TO ALL PETITIONERS

In addition to the foregoing, all petitioners are encouraged to submit photographs in order to assist the Planning Board and this Board, in their respective evaluations of the merits of the subject petition. All information supplied by a petitioner to the Board, pursuant to the foregoing list, is relied upon for accuracy by the Board, Plymouth County Registry of Deeds, and the Land Court Registry District of Plymouth County. Accordingly, it is imperative that all required submitted information be complete and accurate.

The Planning Board will review the petition prior to the Zoning Board of Appeals hearing. The petitioner or their representative may be contacted to appear before the Board.

ZONING BOARD OF APPEALS
PETITION APPLICATION

PETITIONER: _____ DATE: _____

PETITIONER/ADDRESS: _____

LOCATION OF PROPERTY: _____

ASSESSORS' PID NO. _____ ZONE: _____

OWNER OF PROPERTY: _____
(IF OTHER THAN PETITIONER)

ADDRESS OF OWNER: _____
(IF OTHER THAN PETITIONER)

TITLE REFERENCE:
BOOK NO. _____ PAGE NO. _____ (UNREGISTERED LAND)

CERTIFICATE OF TITLE NO. _____ (REGISTERED LAND)

DID YOU OWN THIS PROPERTY ON JANUARY 1ST? YES NO

IF NOT, WHO WAS THE OWNER ON JANUARY 1ST? _____

THE PETITIONER/APPLICANT CERTIFIES THAT THERE IS NO INFRINGEMENT OF WORK OR STRUCTURES ON PLYMOUTH TOWN PROPERTY OUTSIDE OF THE RIGHT-OF-WAY AND/OR THE PROJECT DOES NOT REQUIRE ACCESS ON/OVER/THROUGH TOWN PROPERTY. IF WORK, ACCESS, OR STRUCTURES ARE PROPOSED ON TOWN PROPERTY, YOU MUST CONTACT THE TOWN MANAGERS OFFICE, IN WRITING, IMMEDIATELY. FAILURE TO OBTAIN THE TOWN'S PERMISSION OR ACKNOWLEDGMENT OF PLANS THAT INCLUDE WORK, ACCESS, OR STRUCTURES ON TOWN PROPERTY WILL RESULT IN THE DELAY OF THE PERMIT REVIEW PROCESS.

SIGNATURE: _____ (OWNER OR AGENT)

REASONS FOR THIS REQUEST, INCLUDING PROVISIONS OF THE ZONING BY-LAW FROM WHICH RELIEF IS REQUESTED: (PLEASE CHECK THE ZONING DENIAL FOR THIS INFORMATION)

SIGNATURE: _____ (OWNER OR AGENT)

PRINTED NAME: _____ (OWNER OR AGENT)

MAILING ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____
