

**ZONING BOARD OF APPEALS**

**11 LINCOLN STREET  
PLYMOUTH, MA 02360**

**(508) 747-1620 Ext. 138**

**NOTICE TO ALL ZONING BOARD OF APPEALS PETITIONERS**

**/// PLEASE NOTE ///**

Effective February 14, 2013, ALL applications for the Zoning Board of Appeals shall be filed by the applicant with the Administrative Assistant 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 Assistant to the Zoning Board to insure that their applications are complete and comply with the attached instructions. If the Administrative Assistant 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 Assistant 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 March 12, 2012

### 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, <b>NOT SUBJECT</b> to Environmental Design Conditions pursuant to Section 205-03:	\$100.00 (Residential) \$400.00 (Commercial)

5. Special Permit pursuant to G.L. Chapter 40A, Section 9, **SUBJECT** to Environmental Design Conditions pursuant to Section 205-03:

- a) If the building area is less than or equal to 10,000 square feet \$200.00
- b) If the building area is greater than 10,000 square feet and less than or equal to 50,000 square feet \$600.00
- c) If the building area is greater than 50,000 square feet and less than 150,000 square feet \$800.00
- d) If the building area is greater than 150,000 square feet and less than 500,000 square feet \$1,500.00
- e) If the building area is greater than 500,000 square feet \$6,000.00
- f) For multi-family/multi-unit residential with 5 units or less \$800.00
- g) For multi-family/multi-unit residential in excess of 5 units, \$50.00 per each additional unit \$800.00

6. Special Permit pursuant to Section 205-25 for non-conformities (Commercial property including apartments) \$800.00  
 For requests in excess of 5 units, \$50.00 per each additional new residential unit

7. 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 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 affect 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 site plan stamped by an appropriately licensed Professional as set forth in the Massachusetts Code of Regulations, i.e. Engineers, Architects or Land Surveyors. 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. If it applies to the petition being submitted, parking, lighting, landscaping, square footage of living area, and any and all signage is to be shown on this plan. The plan MUST be dated within the last two years. **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.**
3. If this petition is **NOT** subject to Environmental Design Conditions:
  - a) Copy of the enclosed ZBA petition.
  - b) Eighteen (18) full-sized copies of site plans and any other plans required.
  - c) The Board of Appeals Chairman shall determine whether the following additional information is required per Section 205-9 A2: 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.
  - d) Low impact stormwater design and MassDEP best management practices for stormwater design are strongly encouraged.
  - e) PDF files of plans are strongly encouraged.
4. If this petition is **SUBJECT** to the Inclusionary Housing Section of the Zoning Bylaw (§ 205-71), the filing shall include (3) copies of ONE of the following, in order of preference:
  - a. The Memorandum of Understanding (MOU) between the developer and the Plymouth Housing Authority as described in the *Developing Affordable Housing In Plymouth* guide, or
  - b. The information requested for submittal to the Plymouth Housing Authority and the Plymouth Office of Community Development under "Review Process for Developers" in the *Developing Affordable Housing In Plymouth* guide, or
  - c. The information required per § 205-71 Paragraph 3, or
  - d. A written request for waivers of this requirement stating the reasons for this request, or

- e. A written explanation of reasons Petitioner seeks confirmation of exemption from said requirements.
5. If this petition is SUBJECT to Environmental Design Conditions:
  - a) Two (2) copies of the Zoning Board of Appeals application.
  - b) Three (3) copies of the Environmental Design Impact Statement.  
Eighteen full sized copies of site plans and any other plans required. These plans should show all the information set forth in paragraph 2 above, as well as any additional information required under the Zoning By-law.
  - c) The Board of Appeals Chairman shall determine whether the following additional information is required per Section 205-9 A2: 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.
  - d) Low impact storm water design and MassDEP best management practices for stormwater design are strongly encouraged.
  - e) PDF files of plans are strongly encouraged.
6. 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.** (This fee may be included on one check along with the Filing Fee, please see Administrative Secretary for pricing).
7. A check made payable to the Town of Plymouth for the application-filing fee. (See attached fee schedule).
8. A check made payable to Community Newspaper Company in the amount of \$110.00 (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.
9. A copy of the most recently recorded Deed or Certificate of Title for the subject premises.
10. 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 Assistant 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: 37xx

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

Location: Town Hall, Lincoln 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, 11 Lincoln Street, Plymouth Massachusetts 02360

Zoning Board of Appeals 508-747-1620 x138

Planning Department 508-747-1620 x141

Website: [www.plymouth-ma.gov](http://www.plymouth-ma.gov)

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

### **NOTICE TO ALL PETITIONERS**

*In addition to the foregoing, all petitioners are encouraged to submit photographs in order to assist the Planning Board, Design Review 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 and/or the Design Review Board will review the petition prior to the Zoning Board of Appeals hearing. The petitioner or their representative may be contacted to appear before either one or both of these Boards.*

**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 1<sup>ST</sup>?  YES  NO

IF NOT, WHO WAS THE OWNER ON JANUARY 1<sup>ST</sup>? \_\_\_\_\_

**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: \_\_\_\_\_