

ZONING BOARD OF APPEALS

DOUGLAS, MA 01516 RULES AND REGULATIONS

SECTION I

The following are the Rules and Regulations adopted by the Douglas Zoning Board of Appeals under the authority of and in compliance with the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 12.

SECTION II

It is hereby intended that the Zoning Bylaws of the Town of Douglas shall govern in all respects these Rules and Regulations. If there should be any conflict between the provisions of these Rules and Regulations and the Zoning Bylaws of the Town of Douglas, then those provisions of the Zoning bylaws shall govern. If there is any conflict between these Rules and Regulations and the General Laws of the Commonwealth of Massachusetts pertaining to zoning, then the Laws of the Commonwealth of Massachusetts shall govern in all such cases.

SECTION III

A. All applications to the Board must be first filed with the Town Clerk and shall contain the following:

1. Application form (8 copies)
2. Detailed plans, 8 1/2 X 11" minimum, showing the dimensions of the lot in question and the locus of existing buildings and proposed structures, driveways, wells, roads, and septic systems, in existence or to be used, and the location of each Party-in-Interest, giving the names of the same (8 copies)
3. A complete listing of Parties-in- Interest, being owners of land within 300 feet of the property line, including those on opposite sides of public or private streets or ways. This listing must give complete names and mailing addresses (8 copies).
4. The established filing fee.

B. Upon receiving from the Town Clerk, properly stamped and dated, the Board's copies of the above referred to applications, etc., the Chairman of the Board or his delegate will take the following action:

1. Set a reasonable time and place for the Public Hearing.
2. Instruct the Secretary of the Board to notify, by mail, the applicant, the Parties-in- Interest, and any others deemed by the Board to be affected, of the time and place for the Hearing, and to publicize the same.

3. Publish notice of the scheduled Hearing for a minimum of two consecutive weeks in a local newspaper and post the same information in the Douglas Municipal Center and the Douglas Post Office.

C. Any appeal to the Board must be made within 30 days of the date of refusal of a Permit by, or the date of the order, ruling decision or determination of, the Building Inspector or other administrative official.

D. The Board shall hold a Hearing on any application or appeal transmitted to it by the Town Clerk within 65 days of the transmittal to the Board of such application or appeal.

E. The decision of the Board shall be made within 100 days after the date of the filing of the application for an appeal, or for a variance, or, in the case of a Special Permit, within 90 days following the Public Hearing.

F. The Board shall set all filing fees to be paid by the applicants, and shall, from time to time, review and revise these fees.

G. The Board shall not rehear any denied application within two years of such denial unless the applicant obtains permission from the Planning Board and the Board of Appeals, showing new evidence that substantially alters the conditions of the application. All but one of the members of the Planning Board must agree that this condition has been met.

H. The Chairman of the Board or his delegate shall conduct the order of all Hearings and shall have the right to limit any speaker before the Board to a period of ten minutes time.

I. The Board reserves the right to visit the site in question and to ask any applicant to submit additional documentary evidence and additional and revised plans in order for a determination to be made of a given application.

J. The Board reserves the right to revoke any Variance or Special Permit granted by it for incomplete and/or erroneous information provided by the applicant or for failure to meet the conditions set forth in the Variance or Special Permit.

K. An application may be withdrawn by notice in writing to the Board at any time prior to the Hearing by the Board. After an advertisement, withdrawal is allowed only by Board approval. In any case, the filing fee shall not be refunded.

L. The Board shall follow all application provisions as set forth by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and of the Zoning Bylaws of the Town of Douglas.

M. The Board may, from time to time, amend the provisions contained herein, and shall file a written copy of those amendments with the Town Clerk.

SECTION IV

In the case of a Variance, the following points, based on the General Laws, Chapter 40A, Section 10, shall be clearly identified and factually supported.

1. The particular use proposed for the land or building(s).
2. The conditions especially affecting the property for which a Variance is sought which do not affect generally the zoning district in which it is located.
3. Facts which make up the substantial hardship, financial or otherwise, which result from literal enforcement of the applicable zoning restrictions with respect to the land or building(s) for which a Variance is sought.
4. Facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good.
5. Facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.
6. Facts clearly and unambiguously showing that the substantial hardship relates to the premises themselves, and not to any personal hardship, financial or otherwise, or deprivation of potential advantage to the applicant. ;

SECTION V

- A. The filing fee shall be \$125.00 for all applications and appeals.
- B. Standard forms for use by the applicant are available from the Town Clerk.
- C. The BLACKSTONE V ALLEY TRIBUNE will be the local newspaper in which notices for scheduled Public Hearings are published.

