



**TOWN OF MENDON  
BOARD OF APPEALS  
Mendon, Massachusetts 01756**

**RULES, REGULATIONS AND PROCEDURES  
October 1, 2007**

**I. SUBMISSION OF PETITIONS OR APPLICATIONS:**

- A. All applications for Special permit over which the Board of Appeals is given authority must be filed on the appropriate form filed and date stamped by the Town Clerk. FILING FEE: \$250.00
- B. All petitions for Variances must be filed on the appropriate form, filed and date stamped by the Town Clerk. FILING FEE: \$250.00
- C. All appeals must be filed on the appropriate form and filed with the Town Clerk. FEE: \$50.00; may be waived by Chairman.

Every appeal shall be filed with the Board within thirty days from the date of refusal of a permit from the building official or the date of the administrative order, ruling, decision, or determination being appealed.

- D. Application for a Special Permit or petition for Variance shall be made by the owner, lessee, or equitable owner (purchaser on a Purchase and Sales Agreement) of the subject property or structure. If application or petition is made by other than by the owner, the written authorization of the owner shall accompany the application. Such written authorization shall be signed by the owner, shall include a statement of ownership, and shall identify the owner's authorized agent, or shall grant permission to the lessee to apply for the Special Permit or Petition for Variance. The full names and addresses of the owner, lessee, applicant and the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- E. Any communication, purporting to be an application, petition, or appeal shall be treated as mere notice of intention to seek relief, until such time as it is made on the official form.

**II. Eleven Copies (11) of all paperwork including applications for Special Permits or petitions for Variance must be accompanied by the following:**

- 1. (11) COPIES OF A CERTIFIED SITE PLAN PREPARED BY A REGISTERED PROFESSIONAL ARCHITECT OR ENGINEER. THIS SITE PLAN MUST CARRY THE SEAL OF THE ENGINEER OR ARCHITECT.** A certified tape survey/plot plan, with items (a) through (g) shown will be acceptable for most proposals. The Board may require additional information or more extensive plans dependent upon the nature of the application or the petition. The plan must be folded to fit a standard folder for 8-1/2 x 11" sheets. Distribution: (6) ZBA, (1) Planning Board, (1) Town Clerk, (1) Building Department, (1) Assessors Office, (1) Conservation Commission.

**THE SITE PLAN MUST SHOW AT A MINIMUM, ITEMS A THROUGH I LISTED BELOW.**

- a. Metes and bounds of subject property
- b. The names of adjoining streets and fixed objects relative to subject property
- c. Dimensional layout of all buildings
- d. Distances said buildings are set back from the various boundaries and apart from each other
- e. Exact dimension, setbacks and specifications for any new construction, alterations, or installations with which your case is concerned
- f. The direction of North
- g. The name of each abutting property owner
- h. Zoning district boundaries
- i. Wetland boundaries

For more complex or larger proposals, the Board may require additional information on the site plan. The additional information may include, but will not be limited to:

- j. Existing and required parking spaces
- k. Existing and proposed driveway openings
- l. Existing and proposed driveways
- m. Existing and proposed service areas
- n. Existing and proposed provisions for surface water drainage
- o. Existing and proposed provisions for waste disposal
- p. Existing and proposed landscape features, plantings, or fences

- 2. Copy of the Assessor's file sheet and a certified Abutters Listing** from the Mendon Assessors office, and from any abutting town's Assessors' Office should the subject parcel lie on a town line. Four (4) sets of mailing labels shall be included with Certified Abutters List.

3. **Zoning Permit determination from the Building Department** – This is a determination of the Building Department/Zoning Enforcement Authority, based on the plans that you present, of what type of zoning action would be necessary for you to implement the plans that you present in order for you to obtain a Building Permit. The Building Department cannot issue a Zoning Permit in some instances without the appropriate action (for a Special permit, Variance, or an Administrative Appeal) by the Board of Appeals. The Building Department will guide you as to the appropriate action to seek. In some instances, the Planning Board is the Special Permit Granting Authority and you will need to request a public hearing with the Planning Board.
4. **The petitioner, applicant or appellant must demonstrate legal interest in the subject property.** This evidence will be in one or more of the following forms:
  - a. a copy of the deed
  - b. a lease agreement
  - c. written authorization signed by the legal owner(s)

### **III. HEARINGS:**

Notice of hearings shall be advertised as required by the provisions of M.G.L. Chap. 40A and the Notice of Public Hearings Procedure for the Board of Appeals.

The petitioner, applicant, appellant, or their representative must be prepared to present evidence regarding their petition, application, or appeal at a public hearing as well as in writing on the application, petition, or appeal form. Briefs may be filed with the form or may be presented at the hearing.

Hearings for Special Permits, Variances, or Appeals will be scheduled within 65 days of filing of the application or petition. Decisions on Variances and Appeals must be made within 100 days of filing of the Petition or Appeal. Decisions on Special Permits are made within 90 days of the close of the hearing(s). Extensions may be filed to these time periods when necessary.

All hearings shall be open to the public. No person shall be excluded unless considered by the Chairperson to be a “serious hindrance” to the workings of the Board.

The Board of Appeals may impose additional fees to be deposited in a special account for the employment of outside consultants to assist the Board in project review. Deposited funds not so utilized will be refunded. Fees, if any, will be imposed within 10 days of the public hearing and may be appealed to the Board of Selectmen.

Once a hearing is closed, no further evidence may be presented, and the Board will make its decision based only on evidence presented at the public hearing.

#### **IV. REPRESENTATION AND ABSENCE**

The applicant may appear in his/her own behalf or be represented by an agent or attorney as designated on the application form. In the absence of any appearance without due cause on behalf of an applicant, petitioner, or appellant the Board may decide on the matter using the information it has otherwise received.

#### **V. WITHDRAWAL**

An application, petition, or appeal may be withdrawn by notice in writing to the Board and filed with the Town Clerk anytime prior to the hearing. After advertisement, withdrawal may only take place after Board approval.

#### **VI. DECISION**

In order to take a favorable action, the concurring vote of all three members of the board is required.

The decision of the Board will be filed with the Town Clerk within 14 days of the decision. Notice of the decision will be mailed to all parties of interest and any person at the hearing requesting notice of the decision. Notices will be mailed by certified mail, postage prepaid.

#### **VII. APPEAL PERIOD AND DEED RECORDING**

Once notice of the decision is filed, any person aggrieved may file an appeal with the courts pursuant to M.G.L. Chap. 40A, &17, within 20 days. If no appeals are filed, the Town Clerk will certify that the appeal period has elapsed, and the decision must then be taken to the registry of deeds for recording prior to obtaining a building permit.