

REQUEST ABUTTERS LIST AND FIELD CARD FROM ASSESSORS'S OFFICE TO BE TURNED IN WITH THE APPLICATION – PH# 508-646-2824)

FILING DEADLINE: 12 NOON MEETING DATE: 6:00 P.M.

APPLICATION FEES: \$200.00 RESIDENTIAL / \$400.00 BUSINESS / \$75.00 HOME OCCUPATION

RULES AND REGULATIONS OF THE SOMERSET ZONING BOARD OF APPEALS
(Updated through 9/18/14)

Pursuant to the authority granted by Massachusetts General Laws chapter 40A, chapter 40B, and chapter 44, section 53G, the Somerset Zoning By-law, and municipal home rule powers, the Somerset Zoning Board of Appeals adopts the following rules and regulations regarding the submission of petitions and applications, effective September 1, 2004:

1. All petitions and applications to the Board shall be submitted on a form approved by the Board. In order to be considered, the form utilized must be completely filled out and all information required must be submitted prior to filing.
2. A petition or application shall be considered submitted on the date a completed form, with all required submissions, is filed with the Town Clerk's Office. **An original and five copies (6 total)** of all required forms and submissions, **including plans**, must be submitted at the time a petition or application is filed.
3. Each petition or application shall be accompanied by a to-scale plan showing the land which is the subject of the petition or application and, where applicable, the exact location on the land of each present and proposed structure, road, driveway, and parking area or space. Each petition for approval of a site plan for a planned development shall be accompanied by a to-scale plan signed and stamped by the registered engineer or land surveyor who made the plan and meeting the requirements of the Zoning By-law for planned development approval. All notations on plans submitted shall be easily legible.
4. In any case where an easement or other written authorization may be necessary to carry out the object of a petition or application, a copy of the written instrument creating the easement or authorization must be furnished to the Board in advance or at the hearing on the application or petition.
5. In accordance with applicable law, the Board will cause notice of hearings to be published twice in a newspaper of general circulation in the Town of Somerset and mailed to all persons and entities to whom such notice is required to be given by law. Such notice will include the date, time and place for hearing, the name(s) of the applicant(s), the name(s) of the owner(s) of the property, a description of subject location, including street address, if any, and assessor's map and lot number, the subject matter of the hearing, and the nature of the action requested.
6. Any interested party appearing before the Board may be represented by an agent or attorney.
7. Each application or petition filed with the Town Clerk's office must be accompanied by a filing fee in the amount of \$200.00 per application or petition for residential properties and \$400.00 per application or petition for commercial and industrial properties, or as otherwise specified in fee schedules which may be adopted from time to time by vote of the Board. Effective August 24, 2014, said fees shall not apply to applicants who are non-profit, non-governmental organizations occupying Town-owned facilities.

8. a. Where specific conditions arising from the land or the nature of the proposal necessitate the assistance of planning, engineering, traffic, soil, hydrologic, or other consultants, the Zoning Board may engage such outside consultant services as it deems necessary to assist the Board in analyzing the project to ensure compliance with all relevant laws, by-laws, regulations, good design and engineering principals, and state-of-the-art technology. The Board may require that applicants pay a "review fee" consisting of the reasonable costs estimated by the Board to be incurred for the employment of such consultants to assist in review of the application.

b. Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special account in the municipal treasury and shall be kept separate and apart from other monies. Expenditures from this special account, including accrued interest, may be made at the direction of the Board, without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay all review fees shall be grounds for denial of the application or permit.

c. At the completion of the Board's review of a project, any excess amount in the account, including any interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor-in-interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor-in-interest shall provide the Board with the documentation establishing such succession-in-interest.

d. Any applicant may take an administrative appeal from the selection of an outside consultation to the Board of Selectmen, providing such appeal is taken within 14 days of notification of the Board's appointment of the consultant. The grounds for such an appeal shall be limited to claims that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a closely-related field. Minimum qualifications may be changed at the Board's discretion depending upon the complexity and/or importance of the proposed project. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

9. With regard to applications for a comprehensive permit under chapter 40B, the Board adopts the "Model Local Rules" promulgated by the Massachusetts Department of Housing and Community Development.

Duly adopted by vote of the Somerset Zoning Board of Appeals

on August 5, 2004, and August 19, 2004, as amended by vote on

September 18, 2014.