

**TOWN OF MASHPEE
ZONING BOARD OF APPEALS**

16 Great Neck Road North
Mashpee, MA 02649
508-539-1400, ext 8558

PETITION PROCEDURES

PETITION FORMS:

Petition forms for Appeals, Special Permits, and Variances are available in the Building Department.

Petition forms are to be completed in full. Three (3) copies are to be filed and date-stamped in the office of the Town Clerk - one copy for the Town Clerk, two copies for the ZBA office.

Each Petition must be accompanied by a filing fee payable by check to the Town of Mashpee.

Filing fee: \$125 for residential petitions.
 \$250 for commercial petitions.

Each Petition must be accompanied by three (3) sets of building plans and three (3) sets of site plans. The site plans must have the original signature of the Registered Engineer, Land Surveyor or Architect who prepared the plans and must include:

Scale: a minimum scale of 1" = 40' for engineering plans.

a minimum scale of 1/4" = 1' for architectural plans.

Dimensions of the subject property.

Assessor's Map and Parcel Numbers.

Exact location of all existing and/or proposed buildings and sheds on the subject property.

Drainage, utilities, septic plans and paved surfaces, if within the area of the proposed construction.

All setback distances of all structures from the street, property lines, wetlands, water body or watercourse with proper identification.

Calculation of percentage of lot coverage of present and proposed structures.

Parking spaces, aisle dimensions, and flow of traffic noted by arrows on all **Commercial** Petitions.

Zoning and current uses of the site and adjacent properties.

Photos of the existing structures and those of adjacent abutters with non-conforming structures.

Reference to the Section of the Zoning By-laws that allows for grant of an Appeal, Special Permit or a Variance.

Petitioners who are not owners of the subject property must provide the Board with proof of legal interest in the property, i.e., agent, leaseholder, pending purchase, etc.

It is the responsibility of the Petitioner to submit additional copies of the Petition form and plans to other appropriate Town Boards, Commissions, and Departments as required by the Zoning By-laws. These plans should be submitted at the same time the Petition form is filed with the Town Clerk.

911 COORDINATOR/TAX COLLECTOR:

Each Petition must include the worksheet with GIS/E911 Coordinator Clay Nicholson's signature verifying correct address of the subject property along with confirmation from the Town Collector/Treasurer's office that all taxes have been paid on the subject property.

REGISTRY OF DEEDS REQUIREMENTS:

In order to conform to Barnstable County Registry of Deeds and/or Land Court registration requirements, each Petition must include the following:

Current property owner.

Property address.

Registry of Deeds Title Reference with Book and Page; **or**

Certificate of Title Number and Land Court Lot Number and Plan Number.

Copy of Deed.

ABUTTERS' LISTS:

Massachusetts General Laws Chapter 40A § 11 requires that abutters and abutters to the abutters within 300 feet of the property line be notified by mail of the Public Hearing on all Petitions. **The ZBA office is responsible for preparation of the Mashpee abutters' list.** The Assessor's office will certify the list and the Mashpee Zoning Board of Appeals will process the mailing. A charge of \$2.00 per abutter name will be billed to the Petitioner for postage, supplies, and processing costs. Petitioners are advised to review their proposed plans with their immediate neighbors prior to the Public Hearing. If abutters are located in adjoining Towns, it is the responsibility of the Petitioner to obtain a certified list of those abutters.

PUBLIC HEARINGS:

A Public Hearing will be scheduled within 65 days from the date that the Petition form is filed with the Town Clerk. The Zoning Board of Appeals normally meets on the second and fourth Wednesdays of each month at 7:00 p.m. at the Mashpee Town Hall. The Petitioner or his Agent must be present at the hearing.

NOTICE FOR PUBLIC HEARINGS:

Notice of a Public Hearing shall be given by publication in the Mashpee Enterprise newspaper once in each of two successive weeks; the first publication to be not less than fourteen (14) business days before the day of the hearing and posting of such notice in a conspicuous place in Town Hall for a period of not less than fourteen (14) business days before the day of such hearing.

ZONING BY-LAWS:

Copies of the By-laws may be purchased for \$25 in the Town Clerk's office.

DECISIONS:

Decisions of the Zoning Board of Appeals will be filed with the Town Clerk within fourteen (14) days of the Board's final vote on a Petition. A copy of favorable Decisions, certified by the Town Clerk that there has been no appeal twenty (20) days after the Decision was filed, must be recorded at the Barnstable County Registry of Deeds before a Building Permit will be issued. It is the responsibility of the Petitioner to record a certified copy of the Decision at the Barnstable County Registry of Deeds. Proof of the recording must be submitted to the Zoning Board of Appeals and the Building Department before the Petitioner can apply for a Building Permit.

ZONING ENFORCEMENT OFFICER:

The Building Commissioner is the Zoning Enforcement Officer for the Town of Mashpee. Petitioners should consult with the Building Commissioner prior to filing a ZBA Petition.

APPEAL OF THE DECISION OF THE BUILDING COMMISSIONER:

An Appeal of the Decision of the Building Commissioner must be filed with the Town Clerk within thirty (30) days from the date of the Decision or order being appealed. The reasons and grounds for the Appeal should be specified in the Notice of Appeal. The Town Clerk shall transmit such Notice of Appeal to the Zoning Board of Appeals so that a hearing can be scheduled. The Petition must be filed on a Notice of Appeal form available in the Building Department or the office of the Zoning Board of Appeals.

MASSACHUSETTS GENERAL LAWS CHAPTER 44 SECTION 53G:

The Mashpee Zoning Board of Appeals has adopted the provisions of Chapter 593 of the Acts of 1989 relative to the Establishment of Special Accounts for consultant fees.

DESIGN REVIEW COMMITTEE:

A Design Review Committee was established under § 174-48 of the Zoning By-laws to advise the Building Commissioner, Planning Board and Zoning Board of Appeals on matters of architectural and design concern in the review of Petitions for Special Permits, Sign Permits, and Landscaping on commercial property. Meetings are scheduled by the Building Department.

PLAN REVIEW COMMITTEE:

A Plan Review Committee was established under §174-48.1 to perform the functions described in § 174-24 to otherwise advise the Building Commissioner, Board of Selectmen, Planning Board and Zoning Board of Appeals on matters related to the areas of expertise of its members, and to provide informal advice and review to prospective Petitioners for permits. Meetings are scheduled by the Building Department. After the Committee's Decision or recommendation letter is compiled, a copy shall be provided to the Petitioner and, if appropriate to the Special Permit Granting Authority, and recorded with the Town Clerk.

Revised November 2012