

## DIRECTIONS FOR FILING WITH THE BOARD OF APPEALS

For filing with the Board of Appeals, the following items in **bold** are required at the time of filing.

- 1) **1 copy of the completed application, filed first with the Town Clerk. Application should be stamped by the Town Clerk and remember - *signed and dated*.**
- 2) **13 copies of the certified plot plan sized 11 x 17 folded to 8 ½ x 11 + 3 copies sized 24 x 36 folded to 9 x 12.**
- 3) **13 copies of floor and elevation plans showing the existing conditions and proposed plans including dimensions, sized 11 x 17 folded to 8 ½ x 11 and 3 copies sized 24 x 36 folded to 9 x 12.**
- 4) **Checks for the application fees, made payable as follows (separate checks):**
  1. To “The Town of Duxbury” in the amount shown on the fee schedule (next page).
  2. To “Duxbury Clipper” in the amount of \$120 to cover mandated advertisement fees.
  3. To “The Town of Duxbury” in the amount of \$30 to cover the abutters list fee. --  
*~please be sure to include one check for each parcel for abutters fees, if request is regarding more than one parcel~*
- 5) Brief in support of petition meeting the criteria listed in 906.1 (appeal), 906.2 (special permit) or 906.3 (variance).
- 6) Letters from abutters in support of petition. It is also recommended to encourage the abutters to attend the hearing if possible.
- 7) Photographs of dwelling showing each side. Please attach two photos per 8 ½ X 11 sheet of paper showing which direction it is taken from on each photo.
- 8) Coverage Ratios - if your building coverage is over 15%. Please see below for directions on how to obtain this information.
- 9) **Design Review Board criteria (see following pages). An application is not complete until the minimum submission requirements for the Design Review Board are submitted.**

The **brief and letters in support from abutters** may be submitted after you file the application, but it is required that they be submitted at least twelve (12) business days prior to the scheduled public hearing date.

If applicable, lot coverage ratios are obtained through the Assessor’s Office. The Assessor’s department will instruct you on how to obtain the building coverage which would then be divided into the square footage of the lot. Include only the square footage of the dwelling, including **covered** porches, screened porches/decks, sheds and other structures that are covered. Do not include uncovered decks, patios, bulkheads, walkways or driveways.

**\*\*\*\*PLEASE ENSURE THAT ALL PLOT PLANS SHOW THE CRITERIA LISTED IN SECTION B, NO. 7 OF THE APPLICATION. PLEASE LIST THIS INFORMATION ON THE PLOT PLAN *PRIOR* TO MAKING COPIES.\*\*\*\***

## Schedule of Filing Fees & Special Escrow Account Fees

The following fees were approved by the Board of Appeals on September 12, 2013 to be effective on October 1, 2013.

APPLICATION CATEGORY	FILING FEE	ESCROW ACCOUNT
Special Permits, Dimensional Variances, Appeals (Sec. 906)	\$200	N/A
Use Variances (Sec 906.3)	\$400	\$1,500
Special Permits and Site Plan Approval (Commercial/Business)	\$800	\$1,500
Special Permit Amendments	\$400	\$1,500
Transfer of Special Permit	\$50	N/A
*Cluster Development Admin.	\$50	N/A
Planned Unit Developments (PUD) & Cluster Permits Prequalification & Site Analysis (Secs. 804-805):		
<25 Acre Site	\$800	\$2,500
26-100 Acre Site	\$1,200	\$3,500
>100 Acre Site	\$1,600	\$5,000
Development Review (Sec. 806), Planned Unit Developments (PUD) & Cluster Permits:		
<25 Acre Site	\$800	\$2,500
26-100 Acre Site	\$1,200	\$3,500
>100 Acre Site	\$1,600	\$5,000

### Comprehensive Permits

SEE DUXBURY BOARD OF APPEALS COMPREHENSIVE PERMIT RULES (SECTIONS 3.0 & 4.0)

#### **\*Cluster Development Amendment Hearing Fee: \$50.00**

(to be credited towards special permit fee, if necessary)

→ *There will be a rescheduling fee of \$150 for cancellation or failure to appear without 36 hours' notice* ←

**Notes:** Filing fee is separate from the Escrow Account; it is non-refundable and is deposited in the Town's General Fund. Special Permit Amendment shall mean amendments to special permits issued for non-residential development (including lawfully pre-existing non-conforming use special permits) in any zoning district or amendments to special permits issued for Cluster and Planned Unit Developments in authorized districts.

In addition to the above, a check in the amount of \$90.00 must accompany the application - this is to cover the cost of the mandated newspaper advertising of the public hearing. Also, a separate check in the amount of \$30.00 must accompany the application to cover the cost of verifying an abutters list in a 300 ft. radius and to mail out the public notice and decision.

#### **PLEASE MAKE CHECKS PAYABLE AS FOLLOWS:**

**FILING FEE:** THE TOWN OF DUXBURY

**ADVERTISING FEE:** THE DUXBURY CLIPPER

**ABUTTERS LIST FEE:** THE TOWN OF DUXBURY

# TOWN OF DUXBURY

## Design Review Board

### **Minimum Submission Requirements**

**The Design Review Board of the Town of Duxbury requires the following information to accurately and completely review any proposed development:**

1. A complete site plan drawn to scale including all pertinent zoning information, building appendages and impervious surfaces
2. Architectural elevations of a proposed development drawn to scale and including all dimensions, material & color selections, and all detail & trim clearly delineated
3. Architectural floor plans of the proposed development drawn to scale including all dimensions *clearly indicating new versus existing, if applicable*
4. Photos of the existing building(s) and neighboring buildings or homes, if possible.

**If the proposed development is more complicated or substantial, we reserve the right to require an applicant to provide the following:**

1. A site plan of the proposed development including the context of the surrounding area
2. Renderings
3. Material and color sample boards



**The Town of Duxbury**  
**878 Tremont Street**  
**Duxbury, MA 02332**  
**Phone: (781) 934-1100 • Fax: (781) 934-1118**

TOWN CLERK'S STAMP:

## APPLICATION - DUXBURY ZONING BOARD OF APPEALS

### APPLICATION INFORMATION

This Application is for:

☐ Special Permit ☐ Appeal ☐ Variance ☐ Comprehensive Permit

Project Name:

Project Type:

Location (Street Address):

Assessor's Map/Block/Lot Number (s):

Applicant:

Address:

Telephone:

Fax:

Email:

Property Owner:

Address:

Telephone:

Fax:

Email:

Briefly describe and justify your special permit or variance request, or the basis for your appeal:

### SITE INFORMATION

Total Area (Sq. Ft.):

Lot Frontage:

Total Upland Area (Sq. Ft.):

Zoning District(s):

☐ RC: Residential Compatibility

☐ PD3: Planned Development District 3

☐ POLOD: Publicly Owned Land  
Overlay District

☐ NB1: Neighborhood Business District 1

☐ FHAOD: Flood Hazard Area Overlay  
District

☐ DPD: Dunes Protection District

☐ NB2: Neighborhood Business District 2

☐ PD1: Planned Development District 1

☐ WPD: Wetlands Protection District

☐ WSOD: Waterfront Scenic Overlay  
District

☐ PD2: Planned Development District 2

☐ APOD: Aquifer Protection Overlay  
District

Identify *all* sections of the Duxbury Protective Bylaw that apply to this Application:

Existing Use(s) of the Property:

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### APPLICANT AND OWNER CERTIFICATIONS

The undersigned hereby certifies that he/she has read and examined this Application, including all attachments hereto, and that the proposed project is accurately represented in the statements made in this Application. The undersigned also certifies that applications have been filed with the Planning Board, Conservation Commission, and Board of Health, as appropriate, and hereby requests a hearing before the Zoning Board of Appeals with reference to this Application.

#### Property Owner

I/we hereby acknowledge that the Applicant is authorized to act on my/our behalf and that any and all representations made by the Applicant will be binding on me/us as Owners of the property.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_

#### Applicant/Appellant

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_

Applicant is:    ☐ Owner        ☐ Tenant        ☐ Agent/Attorney        ☐ Purchaser        ☐ Appellant

#### Building Inspector Review

This completed Application has been reviewed by the Building Inspector prior to filing with the Town Clerk.

\_\_\_\_\_  
Signature of Building Inspector

\_\_\_\_\_  
Date of Review

#### Supplemental Application Requirements

The Application must include one or more of the following supplemental pages, as applicable:

- A. Section 906.2 Findings (Required for All Special Permit Applications)
- B. Application to Extend or Alter a Non-Conforming Single-Family or Two-Family Dwelling
- C. Application to Extend or Alter Other Use or Structure
- D. Application for a Special Permit in the NB-1 or NB-2 District
- E. Application for a Residential Pier
- F. Application for a Special Permit in the WPOD
- G. Application for Variance
- H. Appeal of Building Inspector/Zoning Enforcement Officer Decision
- I. Application for a Comprehensive Permit under G.L. c. 40B

## **SUPPLEMENTAL APPLICATION REQUIREMENTS**

### **A. Section 906.2 Findings; Required for All Special Permit Applications.**

For each of the following special permit granting criteria, summarize the proposed project's benefits to the Town and explain how they will outweigh any adverse impacts on the Town or the vicinity of the site. If a given criterion does not apply to the Application or if there will be no adverse impact, briefly explain why. Attach additional sheets if necessary.

- 1) Suitability of the proposed location for this proposal, taking the following into consideration:
  - a) Nearby land uses, and whether they would be supported by or damaged by having the proposed use nearby.
  - b) Uses of the site which would be displaced by or preempted by this use.
  - c) Adequacy of roads, water, drainage and other public facilities serving the location.
  - d) Whether the site is more sensitive than are most similarly zoned sites to environmental damage from the proposal such as: erosion, siltation, potential groundwater or surface water contamination, especially if affecting public or private water supplies, habitat disturbance or loss of valuable natural vegetation.
  - e) Contribution to cumulative impact upon municipal water supplies, including consideration of nitrate-nitrogen loading, if within a defined Aquifer Protection Overlay District.

Applicant's Response:

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- 2) Activity type, mix and intensity, taking the following into consideration:
  - a) Whether the proposal contributes to the diversity of services available locally;
  - b) Seasonal consequences, including addition to peak period congestion;
  - c) Service to local, in preference to regional, markets;
  - d) For business developments, likelihood of employment opportunities being created for residents, and the quality of those opportunities; and
  - e) For residential developments, how substantially, if at all, the proposal contributes to housing diversity.

Applicant's Response:

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- 3) Building and site design, including consideration of the following:
- a) Whether scenic views from public ways and developed properties have been considerably treated;
  - b) Whether compatibility with neighborhood character has been considerably treated;
  - c) Whether reasonable efforts have been made to minimize visibility of parking and service areas from public streets;
  - d) Whether any traditional public access to or along shoreline has been maintained; and
  - e) Compliance with the criteria of Section 424.4 and/or Section 615 under Site Plan Approval.
  - f) Compliance with Section 404.20, "Determination of Suitability of Piers" and Section 404.50, "Waterfront Scenic Area Overlay District," if applicable.

Applicant's Response:

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**By Applicant/Appellant**

Signature:

Date:

Print:

**DUXBURY BOARD OF APPEALS  
SUPPLEMENTAL APPLICATION REQUIREMENTS**

**B. Application to Extend or Alter a Non-Conforming Single-Family or Two-Family Dwelling**

1) What is the nature of the existing nonconformity(ies)? Check *all* that apply.

- |  |  |
|--|--|
| <input type="checkbox"/> Insufficient lot area                         | <input type="checkbox"/> Insufficient lot frontage                               |
| <input type="checkbox"/> Encroachment on front, side, or rear setbacks | <input type="checkbox"/> Existing height exceeds maximum height limit            |
| <input type="checkbox"/> Excess <i>lot</i> coverage (RC limit: 15%)    | <input type="checkbox"/> Excess <i>site</i> coverage (NB-1 and NB-2 limit: 50 %) |
| <input type="checkbox"/> Other (list): _____                           |  |

2) When was the existing dwelling (or accessory structure) constructed? \_\_\_\_\_

(Attach evidence, e.g., historic photographs, assessor's record, building permit records, other)

3) When was it most recently altered or extended? \_\_\_\_\_

4) Have any zoning variances been granted for the subject property? ☐ Yes ☐ No If yes, when? \_\_\_\_\_

5) Does the proposed project involve demolition of an existing structure? ☐ Yes ☐ No

6) If yes, and if the building was constructed 75 years or more before the date of this application, has the Historical Commission held a public hearing and made a demolition delay determination under Section 609?

☐ Yes ☐ No ☐ Not Applicable

7) Describe the existing and proposed conditions on the lot. The following calculations should be prepared by the engineer or architect of record and must be presented here OR on the site plan.

	Total (All Structures)			Nonconforming Only		
	Existing	Proposed	Percent Change	Existing	Proposed	Percent Change
Gross Floor Area (sq. ft.)						
Volume (cu. ft.)						
Lot or Site Coverage						
Area (sq. ft.)						
Percent						
Building Height						
Setbacks:						
Front:						
Side:						
Side:						
Rear:						

8) Does your proposed project:

Yes No

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Conform to the requirements of the Duxbury Zoning Bylaw? |
| <input type="checkbox"/> | <input type="checkbox"/> | Increase any existing non-conformity?                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Create any new non-conformity?                           |

9) The Board of Appeals is required to make certain findings under Section 401.2(3)(a). To assist the Board in this process, please respond to each of the following questions.

a) Will the proposed project substantially increase the nonconforming nature of the existing structure or lot? Why, or why not?

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- b) Has the project been designed to ensure that the proposed changes will not be more detrimental than the existing nonconforming structure to the neighborhood? If so, how?

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**By Applicant/Appellant**

Signature:

Date:

Print:

**DUXBURY BOARD OF APPEALS**  
**SUPPLEMENTAL APPLICATION REQUIREMENTS**  
**C. Application to Extend or Alter Other Use or Structure**

1) What is the nature of the existing nonconformity(ies)?

- |   |  |
|---|--|
| <input type="checkbox"/> Insufficient lot area<br><input type="checkbox"/> Encroachment on front, side, or rear setbacks<br><input type="checkbox"/> Excess lot or site coverage <sup>1</sup> | <input type="checkbox"/> Insufficient lot frontage<br><input type="checkbox"/> Existing height exceeds maximum height limit<br><input type="checkbox"/> Existing use does not comply with current zoning |
| <input type="checkbox"/> Other: _____   |  |

2) When was the existing non-conforming use established? \_\_\_\_\_ and/or

When was the existing non-conforming structure built? \_\_\_\_\_

(Attach evidence, e.g., historic photographs, assessor's record, building permit records, other)

3) When was it most recently altered or extended? \_\_\_\_\_

4) Have any zoning variances been granted for the subject property? ☐ Yes ☐ No If yes, when? \_\_\_\_\_

5) Does the proposed project involve demolition of an existing structure? ☐ Yes ☐ No

6) If yes, and if the building was constructed 75 years or more before the date of this application, has the Historical Commission held a public hearing and made a demolition delay determination under Section 609?

☐ Yes ☐ No ☐ Not Applicable

7) For projects involving expansion of a non-conforming use, describe the proposed expansion, e.g., volume of activity on the lot or change in the nature or purpose of the existing use.

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8) For projects involving change to a different use, what is the proposed use?

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9) For projects involving the extension or alteration of a non-conforming structure, describe the existing and proposed conditions on the lot by providing the following information:

	Total (All Structures)			Nonconforming Only		
	Existing	Proposed	Percent Change	Existing	Proposed	Percent Change
Gross Floor Area (sq. ft.)						
Volume (cu. ft.)						
Lot or Site Coverage						
Area (sq. ft.)						
Percent						
Building Height						
Setbacks:						
Front:						
Side:						
Side:						
Rear:						

<sup>1</sup> Note: for pre-existing nonconforming nonresidential uses in the NB-1 or NB-2 district, the compliance standard is *site (total impervious) coverage* of 50 percent. If such uses are located in RC district, however, the compliance standard is the RC district *lot (building) coverage* limit, i.e., 15 percent. See Section 401.4 and Section 425 for additional information.

10) Does your proposed project:

Yes

No

☐☐

Conform to the requirements of the Duxbury Zoning Bylaw?

☐☐

Increase any existing non-conformity?

☐☐

Create any new non-conformity?

11) The Board of Appeals is required to make certain findings under Section 401.2(4)(a). To assist the Board in this process, please respond to each of the following questions.

- a) Explain how the proposed encourage extension, alteration, or change to will achieve greater, if not complete, conformance with the provisions of the Zoning Bylaw and reduce the degree of nonconformity.

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- b) If the proposed project involves expansion of a nonconforming structure or use as measured by either the amount of floor space or land area used, or the volume of activity, including but not limited to an increase in the intensity of use and/or a change in the nature of purpose of the use, why should the Board of Appeals grant the requested special permit?

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- c) How has the project been designed to ensure that there will be no demonstrable adverse impacts on abutting properties and those properties that generally characterize the neighborhood or locus within which the expansion is sought?

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- d) If the proposed project involves expansion of a nonconforming use or structure, how has it been designed to ensure that the expansion will have no adverse impact the Town's ground, coastal, or surface waterbodies?

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**By Applicant/Appellant**

Signature:

Date:

Print:

**DUXBURY BOARD OF APPEALS**  
**SUPPLEMENTAL APPLICATION REQUIREMENTS**  
**D. Application for a Special Permit in the NB1 or NB2 District**

- 1) Project Description. Complete the following chart by providing information about all existing and proposed uses on the site.

Use(s)	Existing (E) or Proposed (P)	Gross Floor Area	Site Coverage (See Section 425; Respond in "Total" Line)	Off-Street Parking Requirement (See Section 610)	Subject to Site Plan Review under Section 615?
Total:					

- 2) The following questions pertain to findings the Board of Appeals must make in order to grant a special permit under Section 906.2. Provide information sufficient for the Board to make the required findings. This information should support the summary of public benefits presented in Attachment A.

- a) How will the proposed uses contribute to the diversity of goods and services available in the Town?

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- b) Will the proposed uses generate unique seasonal impacts, such as a seasonal increase in traffic, water consumption, energy use, or other?

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- c) Will the clientele or customer base for the proposed uses be predominantly local or non-local? How do you know?

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- d) Employment. Complete the following chart by providing information about existing employment on the site and anticipated employment when the project is built and occupied.

Type of Employment	Number of Jobs		Absolute Change	Percent Change	Average Annual Wage
	Existing	Proposed			
Total:					

- e) Will the proposed project result in the displacement of any existing uses on the site? ☐ Yes ☐ No  
If yes, explain:

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- 3) Additional information needed to evaluate the proposed project under Sections 906.2 and 424.

Environmental Measure	Existing Condition	Build-out Condition	Absolute Change	Percent Change
Daily traffic (vehicle trip generation)				
Annual water demand				
Annual energy use				

**By Applicant/Appellant**

Signature:

Date:

Print: