

## 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):

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> RC: Residential Compatibility         | <input type="checkbox"/> PD3: Planned Development District 3       | <input type="checkbox"/> POLOD: Publicly Owned Land Overlay District |
| <input type="checkbox"/> NB1: Neighborhood Business District 1 | <input type="checkbox"/> FHAOD: Flood Hazard Area Overlay District | <input type="checkbox"/> DPD: Dunes Protection District              |
| <input type="checkbox"/> NB2: Neighborhood Business District 2 | <input type="checkbox"/> WPD: Wetlands Protection District         | <input type="checkbox"/> WSOD: Waterfront Scenic Overlay District    |
| <input type="checkbox"/> PD1: Planned Development District 1   | <input type="checkbox"/> APOD: Aquifer Protection Overlay District |  |
| <input type="checkbox"/> PD2: Planned Development District 2   |  |  |

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

Existing Use(s) of the Property:

---

---

### **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:

---

---

---

---

---

---

---

- 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:

---

---

---

---

---

---

---

- 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:

---

---

---

---

---

---

**By Applicant/Appellant**

Signature:

Date:

Print:

**DUXBURY ZONING BOARD OF APPEALS  
SUPPLEMENTAL APPLICATION REQUIREMENTS**

**E. Special Permit Application for a Residential Pier**

- 1) This application involves:
- |   |                          |
|---|--------------------------|
| <input type="checkbox"/> A new residential pier serving one property  | <input type="checkbox"/> |
| <input type="checkbox"/> Reconstruction of an existing pier           | <input type="checkbox"/> |
| <input type="checkbox"/> A shared pier serving two or more properties | <input type="checkbox"/> |

In the Waterfront Scenic Overlay District? (if yes, check)

- 2) Has this pier been reviewed and approved by the Conservation Commission and Harbormaster? (If yes, attach evidence.)  
☐ Yes ☐ No

- 3) What is the status of the Chapter 91 license for this pier?

- 4) Projects Not Located in the Waterfront Scenic Overlay District

- a) For new individual, shared, or reconstructed piers *not* located in the Waterfront Scenic Overlay District, state whether the proposed pier conforms to the following requirements. (See Section 404.20 and 404.40). Using the space provided on the, briefly explain all criteria marked "no." For reconstruction of a pre-existing pier, applicant must attach a copy of the existing, unexpired Chapter 91 license in order to justify the use of design standards that deviate from any of the criteria listed below.

Design Criteria	Yes	No
• Pier does not exceed 200' in length and extends the full distance over the salt marsh used to access the water's edge.		
• Width of pier does not exceed 4 feet.		
• Platform at seaward end does not exceed 6' x 10', i.e., 2' by 10' wider than walkway.		
• Pile bents are no less than 10' on center from each other except last bent on landward end.		
• The most seaward piles do not extend more than 2' seaward of the salt marsh except to allow the attached float to be located seaward of any vegetation.		
• Floats do not exceed 200 sq. ft. unless permitted by the Conservation Commission and the Harbormaster. <sup>1</sup>		
• Rails do not exceed 36" in height off the pier and have a top rail 5" or less in vertical dimension and a mid-rail 3½" or less in vertical dimension.		
• Piers, floats, and gangways are made principally out of wood or other materials of a color and reflective quality similar to natural wood.		
• Pier is set back at least 25' from abutting property lines. <sup>2</sup>		
• Pier is at least 50' to the nearest sideline of a town landing or way to the water.		
• Pier is not higher above the salt marsh than the minimum permitted by state and federal regulations.		
• The height of the pier deck does not exceed 15 feet MLW unless required by federal or state regulations.		

<sup>1</sup> If floats exceed 200 sq. ft., attach evidence of approval from Conservation Commission and Harbormaster.

<sup>2</sup> If this requirement will prevent the pier from being approved, explain in Section X of this application supplement. The pier must be set back at least 15 feet.



b) For shared piers only:

Additional Design Criteria for Shared Piers	Yes	No
• Applicant has provided deed restrictions on each owner's lot prohibiting another pier, and deeded easements granting each owner access to the shared pier as long as it exists.		
• Does pier access the water over the shortest distance of salt marsh? If not, attach brief explanation. <sup>3</sup>		
• Float sizes are 200 sq. ft. per owner and do not exceed 600 sq. ft. total unless permitted by the Conservation Commission and the Duxbury Harbormaster. <sup>4</sup>		

c) Briefly explain any "no" response to the above-listed design criteria. Attach additional sheets if necessary.

---

---

---

---

---

---

---

## 5) Projects Located in the Waterfront Scenic Overlay District.

New piers and reconstruction of existing piers must conform to the following requirements (where applicable) in order for the Board to grant a special permit (Section 404.50). In order to assist the Board in making the required determinations, provide a response to each requirement.

- a) A pre-existing pier shall not be reconstructed as a new pier unless the cost to repair the existing pier is greater than 50 percent of the cost of a new pier on the same footprint.

*If the proposed reconstruction is designed as a new pier, briefly explain. Attach a financial analysis, prepared by a qualified design professional, that compares the proposed reconstruction to the cost to repair the existing pier on the same footprint.*

---

---

---

---

---

---

---

<sup>3</sup> Note: under Section 404.40(2), shared piers are not required to access the water over the shortest distance of salt marsh. Nevertheless, a longer distance should be justified.

<sup>4</sup> If either standard is exceeded, attach evidence of approval from Conservation Commission and Harbormaster.

- b) Repairs to a pre-existing pier shall be made subject to no increase in pier length, height, width, footprint or modification of the railing dimension.

*Do the proposed repairs to a pre-existing pier meet this requirement?* ☐ Yes ☐ No  
*If no, explain.*

---

---

---

---

---

- c) New piers shall be limited to 3.5' in width, may have a handrail only on one side of the pier with its upper rail member having a profile of no greater than 1.5" viewed horizontally and a mid-rail member having a profile of no greater than 1/4" viewed horizontally.

*Does the proposed new pier meet this requirement?* ☐ Yes ☐ No  
*If no, explain.*

---

---

---

---

---

- d) New piers shall be constructed no higher above the salt marsh than the minimum standard for construction permitted by State and Federal regulations.

*Does the proposed new pier meet this requirement?* ☐ Yes ☐ No  
*If no, explain.*

---

---

---

---

---

**By Applicant/Appellant**

Signature:

Date:

Print:

**DUXBURY ZONING BOARD OF APPEALS**  
**SUPPLEMENTAL APPLICATION REQUIREMENTS**  
**F. Special Permit in the Wetlands Protection Overlay District**

1) This application involves (check):

Use or Structure Allowed by Special Permit	Yes	No
<i>Subject to Section 404.6</i>		
• Accessory use or structure to a dwelling, such as a footbridge, plank walk, or pier		
• Temporary storage of materials or equipment for up to 3 months in any calendar year		
• Dams, excavations, or changes in watercourses to create ponds, pools for swimming, fishing, wildlife or other recreational or agricultural uses, scenic features, or for drainage improvements		
• Accessory use to dwelling or commercial structure, such as a boat landing and boathouse, the latter not to exceed 20' in height or one hundred 100 sq. ft. in the total ground coverage.		
• Utilities installation		
• Enlargement of an existing parking area		
<i>Subject to Section 404.9</i>		
• New construction otherwise permitted in the RC district (or in an underlying, more restrictive district)		

2) For activities subject to Section 404.6:

a) Does this project require an Order of Conditions from the Conservation Commission?

☐ Yes ☐ No

b) If yes, has the Conservation Commission issued the Order of Conditions?

☐ Yes ☐ No

If yes, attach a copy of the Order of Conditions. If no, briefly explain the status of your Notice of Intent.

---



---



---

a) Does the proposed project comply with all applicable provisions of the Duxbury Zoning Bylaw?

☐ Yes ☐ No

*If your project does not comply, you must also submit Application Supplement C or G, depending on the circumstances. For further guidance, consult with the Building Department or make an appointment for an informal meeting with the Board of Appeals.*

3) For activities subject to Section 404.9:

a) Is the proposed use allowed in the RC district (or an underlying district that is more restrictive than the WPOD)?

☐ Yes ☐ No

b) Does the proposed project comply with all applicable provisions of the Duxbury Zoning Bylaw?

☐ Yes ☐ No

c) The Board is required to make three determinations in order to grant a special permit under Section 404.9. To assist the Board in this process, provide a brief response to each of the following questions.

- i) Is the location within a wetland as defined *either* under Section 40, chapter 131 M. G. L., *or* by soils type (very poorly drained, poorly drained or alluvial) as determined by the USDA Soils Conservation Service *or* on-site investigation by a qualified soil scientist? ☐ Yes ☐ No Briefly explain, and attach evidence in support of your response.<sup>1</sup>

---

---

---

---

- ii) Is the site subject to inundation in a one-hundred year flood? ☐ Yes ☐ No Attach evidence in support of your response.

---

---

---

---

- iii) Will the use endanger health or safety? ☐ Yes ☐ No

---

---

---

---

d) Does your project require an Order of Conditions from the Conservation Commission?

☐ Yes ☐ No

e) If yes, has the Conservation Commission issued the Order of Conditions?

☐ Yes ☐ No

If yes, attach a copy of the Order of Conditions. If no, briefly explain the status of your Notice of Intent.

---

---

---

<sup>1</sup> Acceptable evidence will be one or more of the following: (a) a written determination by the Conservation Commission; (b) a copy of the most recent USDA Soil Conservation Service map (Plymouth County series), showing the site of the proposed construction superimposed on said map by a qualified professional; or (c) a report of an on-site soils investigation conducted by a qualified soil scientist.

f) Does the proposed project comply with all applicable provisions of the Duxbury Zoning Bylaw?

☐ Yes ☐ No

*If your project does not comply, you must also submit Application Supplement C or G, depending on the circumstances. For further guidance, consult with the Building Department or make an appointment for an informal meeting with the Board of Appeals.*

**By Applicant/Appellant**

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

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

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