

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 \$90 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:

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**

G. Variance Request

- 1) Applicant requests a variance under Section 906.3 of the Zoning Bylaw for the following reason(s), and the project is not eligible for a special permit:

Condition	Check if Applicable
Lot does not meet the district's minimum lot frontage or shape requirements, or has an odd layout for other reasons.	
Lot consists of poor soils or topographic conditions unique to the lot and not generally found in the surrounding area within the same district.	
Existing building or structure cannot reasonably be used for purposes permitted in the district.	
Existing use of the property is subject to a variance previously granted by the Board.	
Proposed use is prohibited in the district.	

- 2) How long have you owned the property? _____ (years) _____ (months)

- 3) What is its current use?

- 4) How was the property used by previous owners?

- 5) What are the surrounding land uses (e.g., residential, farm, commercial, religious or educational, other)?

- 6) In order to grant a variance, the Board must make a series of findings required under the Zoning Act, G.L. c. 40A, § 10. To assist the Board in this process, provide a response to each of the following questions. Attach additional pages if necessary.

- a) How is your lot adversely affected by unique soil conditions, shape, or topography - conditions that make your land fundamentally different from surrounding land in the same zoning district? What reasonable, economic alternatives have you considered that would conform to the Town's existing requirements?

- b) What are the unique circumstances affecting the structure(s) on your lot (if applicable)? What reasonable, economic alternatives have you considered that would conform to the Town's existing requirements?

- c) If the Board denies a variance after considering the specific conditions you described above, what would be the substantial hardship?

- d) The variance may be granted only if it does not cause a substantial detriment to the public good *and* does not substantially derogate from the intent or purpose of the Zoning Bylaw. How or why will your proposed use or structure address both of these standards? What evidence do you have to support your claim?

By Applicant/Appellant

Signature: _____

Date: _____

Print: _____