

ZONING BOARD OF APPEALS
Town of Becket
557 Main Street, Becket MA 01223
PROCEDURES FOR APPLICATIONS
 (Approved 2/12/2008)

TO WHOM SUBMITTED ("The Notice"): M.G.L. 40A, s.15 states that "petitioners shall file a notice of appeal with the Town Clerk, who certifies date and time of filing.

Comment: Current practices of Town Clerk/ZBA do observe this process.

"Town Clerk must accept the application if they [applicant] insist on filing it, unless there is a provision of local bylaw that first requires the Administrator's review." [e-mail from MassClerks@yahoogroups.com as reviewed at Dec.4, 2007 ZBA meeting]

TRANSMITTAL TO BOARD OF APPEALS: M.G.L.40A:15 also states that copy of "the notice," including date and time of filing "shall be filed forthwith by the petitioner with the officer or board ..[...].. and to the permit granting authority specifying in notice grounds for such an appeal."

Comments : "The applicant submits **all required** copies of the application to the **town clerk** and the **town clerk** then submits copy (s) to the board of appeals. In this case, the date of transmittal [to the ZBA] would be the date of submission to the town clerk."

According to current practices of Town clerk/ZBA, the Town Clerk transmits date-stamped copies to the ZBA secretary, who then prepares Legal Notices and abutters' notices by certified mail. Applicant pays all fees relating to Legal Notices and abutters' notices as outlined in "Guidelines."

PUBLIC HEARING DATE AND NOTICE REQUIRED (M.G.L. 40A, s. 9, 11 & 15): is set within the required window of 65 days from Town Clerk's date-stamp (or at the next available regularly scheduled meeting of the ZBA.)

TIME LIMIT FOR ZBA TO MAKE ITS DECISION

Variances, decision (vote) required within 100 days from the date-stamped filing date with Town Clerk, and within 14 days from the day that the public hearing vote is taken (M.G.L.40A, s. 15).

Special Permits, Dimensional Special Permits and Site Plan Review the decision (vote) must be taken within 90 days from the close of the Public Hearing; and once a vote has been taken, the decision must be filed with Town Clerk within 14 days from the date of the ZBA vote and within 90 days from the close of the public hearing.

(M.G.L. 40A, s.9) This has been verified with Becket Town Counsel Sarah H. Bell.

REJECTED APPLICATIONS:

An application may be rejected as incomplete or improper by the board of appeals. In this case, if the application is re-submitted, the date of transmittal of the re-submission determines the deadline for holding the hearing.

I [Town Clerk Jeanne Pryor] ask that the board of appeals notify the town clerk in writing of any rejections. The rejection will then be attached to the application in the town clerk's files. If the application is rejected only because the appropriate fee was not included, a second identical application does not need to be submitted. To keep the record clear, the town clerk will time stamp the application in the file again to show the date of resubmission and enter under the new date the word "resubmitted."

WITHDRAWN APPLICATION [M.G.L. 40A:16]: An application "may be withdrawn, without prejudice by the petitioner prior to the publication of the public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the special permit granting authority or permit granting authority."

In the first case, no hearing will take place [40A:16]. In the second instance (after public hearing has been published or opened),"withdrawal without prejudice" requires the approval of four members of the five-member Zoning Board of Appeals.

I [Town Clerk] ask that the board of appeals notify the town clerk in writing of any withdrawals and such notice will be attached to the application on file.