



COMMONWEALTH OF MASSACHUSETTS  
**TOWN OF ACUSHNET**  
OFFICE OF THE  
**Zoning Board of Appeals**

February 3, 2009

A meeting of the Acushnet Zoning Board of Appeals was held on Monday, February 2, 2009 at the Acushnet Community Center, 232 Middle Road, Acushnet, MA beginning at 7:15 p.m. At this meeting, the Board voted unanimously to increase the filing fees for applications filed for the Zoning Board of Appeals.

**NOTICE IS HEREBY GIVEN THAT:**

*Effective February 2, 2009, the new fees for hearings scheduled to come before the Zoning Board of Appeals will be as follows:*

Residential:

*Filing Fee - \$300.00*

Commercial Business or Industrial:

*Filing Fee - \$350.00*

*Also effective February 2, 2009, the new fees for Comprehensive Permit Hearings scheduled to come before the Zoning Board of Appeals will be as follows:*

Comprehensive Permit:

*Filing Fee - \$4,000.00 for up to 10 units and \$400.00 for each additional unit over 10 units.*

*Any and all costs that exceed the original comprehensive permit filing fee shall be absorbed by the petitioner.*

*Any change, modification, addition or alteration on a Comprehensive Permit: Filing Fee \$500.00*

Comprehensive Permit Review Fee:

*\$25,000.00 for up to and including 40 units,  
plus \$800.00 for each unit in excess of 40 units*

*Any and all costs that exceed the original Comprehensive Permit Review Fee shall be absorbed by the petitioner.*

The Filing Fee and the Review Fees are to be paid to the Town Treasurer at the time of filing the application for a Comprehensive Permit.

The Review Fee is to be deposited into a separate account by the Town Treasurer and may be used by the Acushnet Zoning Board of Appeals in accordance with Section 53G, Chapter 593, Acts of 1989 of the Commonwealth of Massachusetts.



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APPEAL PROCESS FOR "REVIEW FEE"

ZONING BOARD OF APPEALS

- 1) When reviewing an application for (permit/approval), the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of a proposed project or because of a project's potential impact. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.
- 2) In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/by-laws, and regulations.
- 3) Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a "review fee" shall be grounds for denial of the application/permit.
- 4) "Review fees" may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of the project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- 5) Any applicant may take and administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Zoning Board shall stand.



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**Instructions for Petitioners Filing to Appear Before the Zoning Board of Appeals**

An appeal to the Zoning Board of Appeals shall be made within thirty (30) days from the date of refusal of the Building Inspector or other Permit Granting Authority.

To be granted a Variance, a petitioner must establish that special conditions exist affecting the parcel of land or building, that literal enforcement of the Zoning By-Law would involve substantial hardship, financial or otherwise, and that the Variance may be granted without detriment to the public good and without nullifying or substantially derogating from the intent of the By-Law. Be prepared to present this data at the public hearing. It is strongly suggested that this data be prepared in writing and submitted to the Zoning Board of Appeals at the hearing.

In order to expedite consideration of your appeal, include all factors that may be relevant to the question of hardship, financial or otherwise. Hardship may also include a "hardship of the land" and the petitioner should present all factors indicating why such a hardship exists and how it may be overcome by the granting of the Variance.

If your petition before the Zoning Board of Appeals requests a Special Permit, be prepared to present data that tends to indicate that the public convenience and welfare will be substantially served by granting the permission requested will be in harmony with the general purposes and intent in the Zoning By-Laws.

Present nine (9) copies of plot plan showing lot lines, lot dimensions, existing buildings, wells, septic systems, street lines, and the proposed project as it relates to the lot, done and certified by a Registered Professional. Also show set backs and distance between buildings. **DRAWN TO SCALE. INDICATE SCALE.** Show approximately North. Use 8 1/2" x 11" or larger paper. Remember, this plot must be clearly legible and correct.

Present completed application with "Letter of Refusal", from Zoning Enforcement Officer, and nine (9) copies of plot plan, with correct fee to the Town Clerk. Incomplete applications cannot be accepted.

Should you have any questions, please contact the Chairman of the Zoning Board of Appeals.

**Acushnet Zoning Board of Appeals Rules Effective 6/04/2002**

An application to the Acushnet Zoning Board of Appeals consists of five (5) parts:

- 1) An application sheet filled out completely.
- 2) A "Letter of Refusal" from the Acushnet Building Inspector or the Acushnet Planning Board.
- 3) **Nine** (9) copies of an accurate plan drawn to scale showing clearly what you are requesting of the Acushnet Zoning Board of Appeals.
- 4) A receipt from the Assessors office showing you have paid for an abutters list to the subject property.
- 5) A check payable to the Town of Acushnet in the amount of the appropriate fee.

All of the above items constitute a complete application to the Acushnet Zoning Board of Appeals.

**Incomplete Applications cannot be accepted.**

The deadline for filing an application is 12:00 noon on the first (1<sup>st</sup>) Monday of any month.  
(If the first Monday is a holiday, the deadline will be 12:00 noon on the day after the holiday.)

Applications and fees are filed with the Town Clerk.