

**PROCEDURE FOR FILING AN APPEAL OR APPLICATION WITH THE  
ZONING BOARD OF APPEALS**

You must submit **11 packets** containing the information listed below, along with **two checks**, one in the amount of **\$175.00** for residential projects or Appeals, **\$500.00** for commercial/mixed use projects, **\$250.00** for amendments to existing commercial/business, mix use permits, (see Appendix IV, attached for fees for Comprehensive Permits), made payable to the **Town of Chatham** and one made payable to **The Cape Cod Chronicle** in the amount of **\$80.00** for the required legal advertisements. Once your application is submitted, it will be reviewed for completeness and if deficiencies are found, you will be notified. Once all required documents are received, your hearing will be scheduled for the next available Zoning Board of Appeals agenda.

**A. Materials Accompanying an Application for a Special Permit, Variance or Amendment to a Special Permit:**

Submit Eleven (11) Complete Packets of the following:

1. Copies of the completed Application form.
  
2. A site plan of the subject property, prepared by a Massachusetts registered, professional land surveyor or engineer. The site plan must include:
  - A north arrow and scale
  - Names of streets
  - Zoning districts
  - Property lines
  - Dimensions of the subject lot, total land area and the amount of buildable upland
  - Locations of buildings on and uses of the property
  - Parking areas, driveways
  - Topographical information if required
  - Location of Conservancy Districts (if applicable)
  - Distance from structures (both existing and proposed) to lot lines, Conservancy Districts
  - The current percentage of building coverage as defined in the Protective Bylaw and the percentage of coverage after proposed construction
  - A proposed footprint, if any, superimposed on the existing footprint
  - Any other information pertinent to the Petition
  
3. Plans of the building elevations (to scale) and floor plans (to scale) for any Application proposing new construction or a change in the exterior appearance of the structure. The plans must include:
  - Exterior elevations (to scale) of all views of the new construction/addition/alteration, including dimensions, i.e. height, length, width, etc.
  
  - For additions, but not for first floor level decks or porches, said elevations shall show the existing structure as well as the proposed construction, and include the height of each section of the existing structure, as well as the height of each section of the proposed structure. Such height calculations shall be performed and certified by a Massachusetts registered professional land surveyor, engineer or architect, and shall include the height of any flood-resistant foundation required by FEMA, the Massachusetts State Building Code and the Chatham Protective (Zoning) Bylaw.
  
  - The plans must include the current percentage of building coverage as defined below and as defined in the Protective Bylaw and the current percentage after proposed construction and a proposed footprint, if any, superimposed on the existing footprint.
  
  - Floor plans (to scale) for any petition proposing new construction or a change in the use of the structure. Said plans shall delineate the existing and proposed plans and the existing and proposed gross floor area\* and shall delineate the proposed uses of all the interior space of all buildings and structures on a lot, including all areas below grade. The square footage of the existing and proposed decks, porches, garage, outbuildings, shall be calculated and separately indicated on the plans.

\*Gross Floor Area: Gross floor area shall be the floor area, expressed in square feet, of each floor, including all areas which are or can be finished as habitable space within the building envelope(s), without deduction for garages, hallways, stairs, closets, and thickness of walls, columns or other features. If any room in a building(s) has a sloping ceiling, any portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall not be included in any computation of the gross floor area.

4. For dwelling located within the flood plain, an elevation certificate showing the existing conditions and a cost valuation of the proposed work will be required upon submittal of the application.

**B. Materials Accompanying an Appeal of the Building Commissioner or Zoning Enforcement Officer:**

Submit Eleven (11) Complete Packets of the following:

1. Copies of the completed Application form.
2. Notice of Appeal specifying the grounds for such Appeal.
  - a. Appeal of an enforcement order or decision
  - b. Appeal of a denial of a building permit (include required materials listed in Section A, above)

Notice to abutters and advertisement in the newspaper is required. The Zoning Board will provide the names and addresses of the abutters, as they appear in the Assessors' records, and will send the notices. Because of this requirement for notification and advertisement, an approximate four week delay exists from the time the application is filed and when the application is scheduled with the Board. This delay could be longer depending upon the number of hearings scheduled prior to your filing.

***Please note that it will be necessary for the property to be staked two weeks prior to the scheduled hearing along the perimeter of the proposed project.*** It will also be necessary to provide access to the property (e.g., access gates opened, etc.), and house numbers must be clearly visible so that the property can be easily identified. The Zoning Board of Appeals members receive an informational packet pertaining to your hearing (e.g., site plan, existing and proposed building plans, a written description of the proposal, etc.) approximately two weeks prior to the hearing and will, either singly or in groups, visit the property. Failure to comply with these requirements may cause the Board to continue the Application.

5. **Eleven (11) complete packets** containing **copies of the Application, and all of the required documentation listed above**, and **two** checks, one in the amount indicated in Appendix IV, attached, made payable to the **Town of Chatham** and one in the amount of **\$80.00** made payable to the **The Cape Cod Chronicle**, must be filed with either the **Zoning Department** at the Dept. of Community Development, 261 George Ryder Road, or the **Town Clerk at the Town Hall** (if filing an Appeal), 549 Main Street, Chatham. The Application will then be scheduled for the next available hearing date. You will be notified of the date of the hearing in writing approximately 14 days prior to the hearing.

The Zoning Board meets the second and fourth Thursday of each month at the Town Annex Meeting Room, 261 George Ryder Road. The hearings usually begin at 4:00 p.m. and are televised live on Local Channel 18. The Board will normally schedule four to five appeals for each hearing date.

6. You or your representative must make a presentation to the Zoning Board at the scheduled hearing, explaining the project and addressing the criteria for the granting of a Special Permit or Variance. These are the criteria upon which the Board bases their decision, therefore, **it is very important for you or your representative to include the appropriate criteria in the presentation.** The criteria is attached to this packet to assist you in your presentation. Hearings will be conducted in the following manner:

- a. Hearing Notice is read
- b. You or your representative presents the Appeal or Application
- c. Zoning Enforcement Officer or other Town departments/boards comment on the Appeal or Application
- d. Anyone in favor of the Appeal or Application may speak
- e. Chairman may read all letters received by the Board
- f. Anyone against the Appeal or Application may speak or ask a question
- g. Applicant may rebut testimony
- h. Board Members may direct questions to anyone present
- i. Board hears any further information
- j. Board closes public hearing

## **CRITERIA**

If filing an Application for a Special Permit under Section V.B., Nonconforming Lots, Buildings and Uses, Enlargement, Extension or Change, of the Protective Bylaw, the following applicable criteria must be addressed before the Board:

1. Adequacy of the size of the site, including, but not limited to, maximum lot or building coverage and setbacks
2. Compatibility of the size of the proposed structure with neighboring properties
3. Extent of the proposed increase in nonconforming nature of the structure or use
4. Suitability of the site, including but not limited to, impact on neighboring properties or on the natural environment, including slopes, vegetation, wetlands, groundwater water bodies and storm water runoff.
5. Impact of scale, siting and mass on neighborhood visual character, including views, vistas
6. Compatibility of the proposed use with neighboring uses
7. Adequacy of method of sewage disposal, source of water and drainage
8. Impact on traffic flow and safety
9. Noise and litter
10. Adequacy of utilities and other public services
11. Visual impact on the neighborhood and neighboring uses of any formula business establishment
12. For those dwellings located in the flood plain, as defined on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham, dated July 16, 2014, the following additional criteria shall apply:
  - a. The extent of lateral expansion proposed, and
  - b. The extent to which lateral expansion impacts the impervious area of the site.

If filing an Application for a Special Permit under Section VIII.C.4., Administration, Special Permit Procedures, Criteria, of the Protective Bylaw, the following applicable criteria must be addressed before the Board:

1. Adequacy of the size of the site in terms of size for the proposed use
2. Suitability of the site for the proposed use
3. Impact on traffic flow and safety
4. Impact on neighborhood visual character, including views and vistas
5. Adequacy of method of sewage disposal, source of water and drainage
6. Adequacy of utilities and other public services
7. Noise and litter
8. Compatibility of the proposed use with surrounding land uses
9. Impact on the natural environment, including slopes, vegetation, wetlands, groundwater and water bodies
10. Impact on neighborhood and Town visual character of any formula business establishment

If filing an Application for a Variance under Section VIII.D.2.c., Administration, Zoning board of Appeals, Powers, Variance, the following must be addressed before the Board:

With respect to the particular land or structure or building, owing to circumstances relating to the soil conditions, shape or topography of the land, structure or building, and especially affecting such land, structure or building, a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the applicant or petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Bylaw.

Please Contact the Central Permitting Coordinator at the Department of Community Development (508) 945-5168 if you have any questions.

APPENDIX IV

SCHEDULE OF FILING FEES AND SPECIAL ESCROW ACCOUNTS  
TOWN OF CHATHAM, MA

<u>Application Category</u>	<u>Filing Fee</u>	<u>Escrow Account</u>
Special Permit, Dimensional Variances, Appeals, (Sec VIII)	\$175.00 (11/06/2008)	N/A
Special Permits (Commercial/Business, Mixed Use)	\$500.00	\$2,500
Amendments to Existing Special Permits (Non-Residential)	\$250.00	\$2,500
Comprehensive Permits		
1-10 Units	\$1,500	\$1,500 + \$250 per unit
11-25 Units	\$2,000	\$2,000 + \$250 per unit
26 + Units	\$2,500	\$2,500 + \$250 per unit

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 nonconforming use Special Permits) or mixed-use developments in any Zoning District.

*Note: Filing fee are separate from and in addition to advertising fees. Advertising fees require the submission of a separate check made payable to the local newspaper. An additional advertising fee is also required for hearings that are continued at the request of the applicant. (amended 11/06/2008)*

**TOWN OF CHATHAM  
ZONING BOARD OF APPEALS  
APPLICATION**

Application No. \_\_\_\_\_

APPLICANTS NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

OWNER OF PROPERTY NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

LOCATION OF PROPERTY: \_\_\_\_\_  
Street Name and Number Assessor's Map/Block/Lot

Registry of Deeds Title Reference Book \_\_\_\_\_ Page \_\_\_\_\_, or Certificate of Title Number \_\_\_\_\_ and Land Court Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

If the Applicant is someone other than the owner of the property, explain the basis for his or her interest in this request.

Nature of request (Check appropriate request (s) listed below. Attach additional sheets as needed.)

- A. An appeal from an administrative decision under Section VIII.D.2.a. of the Zoning Bylaw.  
(State nature of this Appeal and list any section (s) of the Bylaw which are applicable).

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- B. An application for a Special Permit under Section VIII.D.2.b. of the Zoning Bylaw.  
(Describe the intended use and list any section (s) of the Bylaw which are applicable).

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- C. An application to change, alter or extend a pre-existing nonconforming structure or use under Section 6 of Chapter 40A of the M.G.L.  
(Describe existing nonconformity and proposes changes, alterations or extensions).

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- D. An application for a Variance under Section VIII.D.2.c. of the Zoning Bylaw.  
(State the nature of the requested Variance and list any section (s) of the Bylaw which are applicable).

Total land area of parcel: \_\_\_\_\_ Present Zoning Classification: \_\_\_\_\_

Was this lot created by an 81L Exemption plan?  Yes  No If yes, please provide documentation.

Signature of Applicant or Representative: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Date Received by Chatham Town Clerk: \_\_\_\_\_

**MINIMUM INFORMATION WHICH MUST BE INCLUDED WITH APPLICATION:**

Eleven (11) complete packets containing copies of the following items:

1. Site plan showing the location of existing structures and proposed construction.
2. A permit denial, or copies of any other denial and proposed by Town official or body, whichever applicable.
3. Completed copies of this form.
4. Copies (to scale) of all exterior elevations, both existing and proposed floor plans, and any other information as required on the instruction sheet attached to this form.
5. Separate applications are required for Special Permits and Variances.

**NOTIFICATION OF "PARTIES IN INTEREST" IS REQUIRED.** Parties in interest include: Owners of direct abutting lots; owners of lots abutting direct abutting lots where a property line is within 300 feet of the lot to which the Application applies, and owners of lots directly across any public or private way from the lot to which the Application applies. The ASSESSORS will certify the names and address of parties of interest and will notify the same.

Applications for Special Permits or Variances may be delivered to the Community Development Office. An Application is not complete until it is signed and accompanied by a check made payable to the "Town of Chatham" in the amount of one hundred seventy-five dollars \$175.00 for residential projects or Appeals, \$500.00 for commercial or mixed-use projects, \$250.00 for amendments to existing commercial/business, mixed use Special Permits, and if an Application for a Comprehensive Permit under Chapter 40B, the appropriate amount as listed in Appendix IV of the Zoning Board of Appeals Rules and Regulations, and a second check in the amount of eighty dollars \$80.00, made payable to "The Cape Cod Chronicle" for the required advertising. The authenticity of the information on the Application is the responsibility of the person signing the Application and NOT the Town Clerk. Hearings are scheduled within sixty-five (65) days of acceptance by the Town Clerk. Decisions of the Board of Appeals are filed with the Town Clerk and may be appealed to the Superior or District Court within twenty (20) days of such filing. Decisions do not take effect until they are recorded with the Barnstable County Registry of Deeds after the twenty (20) day Appeal period has expired.

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**FOR BOARD USE ONLY**

DATE OF HEARING: \_\_\_\_\_

LEGAL ADVERTISEMENT: 1<sup>ST</sup> PUBLICATION \_\_\_\_\_ 2<sup>ND</sup> PUBLICATION \_\_\_\_\_

DECISION OF BOARD OF APPEALS: \_\_\_\_\_ Approved \_\_\_\_\_ Denied Vote: \_\_\_\_\_

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Chairman