

# **Chapter 18.00 Administration**

## **18.10 Board of Appeals**

### **A. Establishment**

A Board of Appeals shall be established under these By-laws. No member of the Board of Appeals shall act in any case in which he has a conflict of interest. Every decision of the Board of Appeals shall be in writing and shall require assent of four members. An applicant for a permit whose application has been refused by the Inspector, or any person dissatisfied with the decision of the Inspector, or any matter left by this By-law to his approval or discretion may appeal therefrom to the Board of Appeals, within 30 days from the date of said refusal or decision. The Board of Appeals shall grant a hearing on each appeal of which all persons interested shall have notice. The Zoning Board of Appeals shall also act as the Sub-Division Board of Appeals.

There is hereby established a Board of Appeals of five (5) members and two (2) associate members to be appointed by the Selectmen as provided in chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this By-law in the manner prescribed in Chapter 40A of the General Laws. The Board of Appeals shall have the following powers as are granted to it pursuant to Massachusetts General Laws, Chapter 40A, and these By-laws:

### **B. Powers**

#### **1. Appeals:**

To hear and decide any appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of chapter 40A, General Laws, or by any officer or board of the town, or by any person aggrieved by any order or decision of the Inspector of Buildings or other administrative official in violation of any provision of chapter 40A, General Laws, or of this By-law.

#### **2. Special Permits:**

Massachusetts General Laws, chapter 40A, Section 9, states that Special Permits shall be issued only for uses which are in harmony with the general purpose and intent of the By-law and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safe guards and limitations on time or use.

a. The applicant shall file a request for a Special Permit with the Board of Appeals.

b. Conditions

The Board of Appeals shall not grant any permit unless necessary conditions are satisfied, including but not limited to the following:

1. The proposed use is appropriate to the specific site in question.
2. Adequate and appropriate facilities will be provided for the proper operation of said use.
3. There will be no hazard to pedestrians or vehicles.
4. There will be no nuisance or adverse effect upon the neighborhood.

The Board of Appeals may require conditions and safeguards deemed necessary to protect the neighborhood or the Town, including but not limited to the following:

Requirement of front, side or rear yards greater than the minimum otherwise prescribed by this By-law.

Requirements of screening of service or parking areas of the site by walls, fence, planting or other approved means.

All uses authorized under this By-Law by Special Permit shall conform to all minimum lot, yard, and setback requirements of the District in which they are proposed unless specifically exempted by the Board of Appeals in said permit.

3. Variances or Use Variances:

To authorize upon appeal, or upon petition in cases where a particular use is sought with respect to a particular parcel of land or to an existing building thereon a Variance from the terms of this By-law where owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this By-law would involve substantial hardship, financial or otherwise, to the applicant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-law, but not otherwise.

- a. Procedures  
The applicant shall file a request for Variance with the Board of Appeals.
  - b. Conditions  
Conditions, safeguards and limitations both of time and of use, as appropriate.
- C. **Moratorium on Special Permits for Telecommunications Towers**  
*(Amended: Moratorium repealed, Article XX, June 3, 2002 Annual Town Meeting)*  
*(Amended: Article IV, July 24, 2000 Special Town Meeting)*