



## Town of Monterey

# Zoning Board of Appeals Application Instructions, Fees and Timeline

Be sure to supply all required information and sign the form where indicated. Please refer to the Zoning By-Laws of the Town of Monterey adopted by Town Meeting on May 5, 2012, as amended, and, when necessary, refer to specific sections within.

Applicant shall have two options when submitting an Application.

1. Applicant may submit a draft Application (one electronic copy) complying with Paragraphs 1-6 below for the purpose of the Application being reviewed for completeness. Such document shall be labeled "DRAFT". Draft Applications will be reviewed administratively for completeness and the Applicant will be notified if any deficiencies are noted. If and when the administrative review acknowledges to the Applicant that the Application complies with these Instructions, then in order to formally make Application, the Applicant must submit a complete formal Application in the manner set forth below in Paragraph 7.
2. Alternatively, Applicant may skip the draft Application process and file an Application in accordance with Paragraph 7 below which must otherwise comply with Paragraphs 1-6 below. In such event, the Application will be accepted for filing by the Town Clerk (which filing will trigger the statutory time periods set out in MGL Ch. 40A Section 9), but thereafter the Application cannot be reviewed by the Board until the posted and advertised legal meeting, and in the event that the Application is deemed deficient or incomplete, it may be necessary to continue the posted and advertised hearing date to a further hearing date to allow the Application to be completed in accordance with these instructions. These two options are available at the Applicant's sole discretion.

A complete application **must include 8 copies of the following:**

1. A completed and signed application form,
2. Scaled site plans (1" = 200') (no less than 11" x 17") prepared by a Massachusetts Licensed Surveyor indicating:
  - a. The scale, distance along all boundaries and the areas in acres or square feet.
  - b. Positions of all existing buildings, decks, sheds, wells (active and abandoned), septic tanks and fields, driveways, parking areas and walkways.
  - c. Any proposed changes in the footprint of the building(s).
  - d. All setback dimensions from all lot lines, existing and proposed.
  - e. Setback distances from lakes, streams and other bodies of water (if applicable).
  - f. Location of any abutter structures within adjacent abutter setbacks.
  - g. Location of Zoning District Lines (if applicable).
  - h. Scenic Mountains Act slope measurements (if applicable).

3. Scaled Construction Plans (no less than 11" x 17") with elevation drawings, foundation and floor plans of the existing building(s) and the proposed alteration or new construction, including their sizes in square feet of floor area. Table of existing square footage of structures, proposed square footage of structures, for habitable and total areas;
4. Copy of the Building Permit Application and letter from the Zoning Enforcement Officer denying a building permit (as applicable).
5. List of legal abutters as certified by the Assessor's Office (mailing label format).
6. Such other information as may be relevant to the relief requested.
7. One (1) hard copy must be submitted to, and accepted by, the Town Clerk (during the Town Clerk's posted business hours) to begin the statutory time period. The remaining 7 hard copies shall be submitted to the Town Administrator at the same time of submittal to the Town Clerk. Applicant shall also be required to submit the Application and attached documents (and any subsequent submission) electronically to the Town Administrator at [admin@montereyma.gov](mailto:admin@montereyma.gov).

All of the above should be submitted to the Town Administrator at the Town Hall. The Application Fee is \$100.00. Incomplete applications and those not submitted with the required fees may delay the process. After submission, the Town Administrator will calculate the estimated legal advertising and certified mailing fees due from the Applicant. The Applicant will be responsible for the final cost of legal advertising and certified mailing fees, and in the event that the estimated amount paid by the Applicant is not sufficient to pay for the final amount of such costs, Applicant will be notified of any remaining amount due, and such amount must be paid prior to any scheduled hearing date, and if not, at the discretion of the Board, the hearing may be cancelled or postponed.

After receipt by the Town Clerk of the application package, The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 calendar days, but no more than 65 calendar days, from the date of your filing. The hearing date will be posted at the Monterey Town Hall and a notice of the hearing will be sent to the Applicant and/or Applicant's agent and each abutting property owner within 300 feet of the property lines of Applicant's property by Certified Mail. The meeting will also be advertised for two consecutive weeks in a local newspaper.

All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, and the Board of Health, for their comments and recommendations. The Public Hearing may be continued to additional meeting dates and times by agreement between the ZBA and Applicant. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 14 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the Applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Berkshire South Registry of Deeds, at which time the decision becomes effective. Resubmittal to the ZBA after any unfavorable determination is governed by M.G.L. Chap. 40A, Sec. 16.