



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.

A complete application **must include 11 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 registered surveyor or engineer 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. Location of any abutter structures within adjacent abutter setbacks.
 - f. Location of Zoning District Lines (if applicable).
 - g. 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.

All of the above should be submitted to the Administrative Assistant at the Town Hall. The Application Fee is \$100.00. Incomplete applications and those not accompanied by the required fees will not be accepted. Upon verification of a proper and complete submission, the Administrative Assistant will calculate the estimated legal advertising and certified mailing fees and the total estimated amount, along with the \$100 Application Fee, must be paid to the Town before the Application is deemed complete. 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 of the completed 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 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.