

**TOWN OF HALIFAX
COMMONWEALTH OF MASSACHUSETTS**

OFFICE OF THE ZONING BOARD OF APPEALS

The following procedures and requirements have been adopted by the Zoning Board of Appeals of the Town of Halifax, Massachusetts on December 8, 2003. Applicants for either a Special Permit or a Variance should be familiar with the steps in the process as indicated below:

HOW TO FILE AN APPLICATION FOR A SPECIAL PERMIT OR VARIANCE

1. Pick up your application for a special permit or variance from the Zoning Board Secretary or the Town Clerk's Office. The applicant packet will include:
 - Application for Hearing Sheet
 - Cover Letter, explaining fees
 - This set of Instructions
 - Prerequisites for Granting a Variance and/or Special Permit Form
 - Procedure at a Public Hearing Form
 - Four (4) Copies of the Application Cover Sheet

The Zoning Board of Appeals Secretary or Town Clerk's Office can tell you the date of the next Zoning Board meeting and the deadline for filing your application.

2. After picking up your application, go to the Assessor's Office and request a certified list of abutters. This list includes abutters within 300 feet or 2 abutters of the property in question. The Assessor's Office has 10 days to provide you with this list. When the list is complete the Assessor's Office will forward it to the Town Clerk and let you know it is ready.
3. Complete all four (4) application cover sheets, include:
 - four (4) copies of a certified plot plan
 - four (4) copies of your denial letter from the Building Inspector (if the particular circumstances of this application have involved the refusal by the Building Inspector to issue a building permit)
 - four (4) copies of the plans showing the changes you wish to make to your home
 - four (4) copies of the application for hearing sheet

When you fill out the application be sure to include detailed reasons for either a Special Permit or a Variance, take note of the "Prerequisites for Granting a Variance of Special Permit" form included in your packet.

4. When your abutters list is ready you may submit your application to the Town Clerk. They will let you know the exact amount of the fee for the application, depending on the number of abutters you have, and will add to your application copies of your abutters list. The fee must be paid upon submission of your application. They will then date and time stamp the application, keep a copy for their files and forward three (3) copies to the Zoning Board of Appeals.

Be sure your applications are complete and everything is included. The Town Clerk can not accept incomplete applications.

WHAT HAPPENS NEXT?

1. The Zoning Board of Appeals will schedule a Public hearing upon receipt of the completed application, allowing time for notifying abutters and publishing the announcement of the Public Hearing in a local newspaper for 2 weeks prior to the hearing. You, as the applicant will receive a copy of the notice by certified mail showing the date and time of your public hearing before the Zoning Board of Appeals.
2. At the public hearing you will be given a chance to speak to your petition. The Zoning Board of Appeals will then ask you questions or offer comments regarding your application, after which any townspeople or audience members in attendance will be able to ask questions. Comments are then accepted from those in favor and then those opposed to the petition. (This procedure is explained in full in the "Procedures at a Public Hearing" form included in your application packet.)
3. A hearing on an application for a Special Permit and/or Variance will generally be followed by a site inspection by members of the Zoning Board of Appeals, unless waived by the Board. The site inspection is typically scheduled for the week following the public hearing.
4. A decision will usually be rendered at its next scheduled meeting. (The Board can not, by law, take a formal vote at the site inspection.) The Board then files the decision with the Town Clerk, as soon as possible (within 14 days). You will receive the decision letter in the mail showing the date that the decision was filed with the Town Clerk.
5. There is a twenty (20) day waiting period to allow for any appeal(s) of the decision. Once the waiting period has elapsed you may pick up a copy of the decision certified by the Town Clerk. The copy certifies that twenty (20) days have elapsed since the decision was filed in the Office of the Town Clerk, without any appeal having been filed or that any appeal filed has been dismissed or denied.
6. The certified decision must then be recorded in the Plymouth County Registry of Deeds or with the Assistant Registrar of the Land Court for Plymouth County.
7. A copy of the receipt showing that your decision has been recorded should be filed with the Town Clerk. A copy of the registry receipt should be provided to the Building Inspector and the Zoning Board of Appeals.

If the decision has not been filed with the Registry of Deeds within one (1) year (for a variance) or within two (2) years (for a special permit) the decision becomes null and void.

*****After the 20 day waiting period, it is the applicant's responsibility to file the decision with the Plymouth County Registry of Deeds and return the stamped copy to the Town Clerk.**