

Board of Appeals
TOWN OF HANOVER, MASSACHUSETTS 02339
(781) 826-7641

INSTRUCTIONS

Filings:

Applicants should review a copy of the Hanover Zoning By-laws either on the Town’s website (www.hanover-ma.gov), at the Town Clerk’s office, or the Zoning Board of Appeals office.

Applicants shall furnish all information requested on attached application, please print neatly.

The following documents are required as part of each application package along with any other information as required in the pertinent sections below. The applicant shall submit the full application package to the Town Clerk for a date stamp and then deliver the full package to the ZBA office in the Department of Municipal Inspections.

- Two (2) copies of the attached completed application
- Six (6) copies of a Plot Plan
- Six (6) copies of a **Certified Site Plan** (if required)
- A check payable to the Town of Hanover (see Fee Schedule)

Appeals:

Applicants shall include a copy of the refusal letter from the administrative official being appealed, as well as documents listed under Filings.

Note: Appeals must be filed within thirty (30) days from the date of order or decision, which is being appealed.

Variances:

Note: In order to grant a Variance the Board must find that all four (4) statutory findings listed below have been proved by the applicant. Section 10, Chapter 40A MGL requires the “permit granting authority” to make all of the following findings before a variance can be granted.

- That there are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located.
- That due to those circumstances especially affecting the land or structure; literal enforcement of the provisions of the zoning ordinance or bylaw would involve substantial hardship, financial or otherwise to the petitioner or appellant.
- That desirable relief may be granted without substantial detriment to the public good.

- That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw.

The “permit granting authority” cannot issue a variance unless all of the statutory findings are met. Failure to establish any one of the findings will be fatal to the decision. (See *Blackman v. Board of Appeals of Belmont* 346 Mass. 8, (1963).

In order to substantiate the granting of a variance, the appellant or petitioner must prove by providing a detailed explanation along with any significant support or documentation, of the above four (4) prerequisites. Six (6) copies shall be presented to the ZBA no later than at the public hearing.

Special Permits:

SPECIAL PERMIT, ZONING BY-LAWS: REQUIRED FINDINGS

Section 6.020 Hanover Zoning By-Law requires the “permit granting authority” to make all of the following findings before a special permit can be granted.

- The use shall not derogate from the intent of the Zoning Bylaw.
- The use shall not interfere with the safety and privacy of adjoining properties.
- The use shall not cause an immediate or potential devaluation of property values of adjoining properties and the general area.

In order to substantiate the granting of a special permit, the appellant or petitioner must prove by providing a detailed explanation along with any significant support or documentation, of the above three (3) prerequisites. Six (6) copies shall be presented to the ZBA no later than at the public hearing.

Erection of Telecommunications Tower:

Applicants shall file the following reports prepared by a Registered Professional Engineer, as well as documents listed under Filings:

- a report describing the proposed wireless telecommunication tower including the technical and any other reasons for its design.
- a report demonstrating that the proposed tower complies with all applicable regulations and requirements of both Federal and State governments.
- a report describing the capacity of the proposed tower and indicating the number and type of antennae that it can accommodate.
- a report demonstrating that the proposed tower and its associated site comply with all provisions of Section 6.900 of the Zoning By-Law.
- Applicants shall furnish evidence of ownership, fully executed purchase and sale agreement or right to use locus.

INFORMATION

Public Hearings:

- All Hearings must be held within sixty-five (65) days of the date the application is filed with the Town Clerk. It takes a minimum of thirty (30) days to schedule a Hearing.
- The ZBA will notify the Applicant by mail of the date, time and place of the Public Hearing.
- The ZBA will notify all abutters within 300 feet of the subject property fourteen (14) days prior to the hearing by certificate of mailing, as well as publish the public hearing notice in the newspaper once in each of the two (2) weeks prior to the hearing.
- The ZBA will notify the Applicant of the costs of abutter notification postage and newspaper legal notice. The Applicant is required to reimburse the ZBA for these costs. Checks should be submitted to the ZBA at or before the hearing.
- Applicants shall provide the ZBA six (6) copies of a brief addressing the facts of the case and any Zoning Bylaw Required Findings that are applicable.
- A copy of the deed to the subject property needs to be presented at or before the time of the hearing.

ZBA Decisions:

- The ZBA must render their decision within **100 days for variances and appeals and 90 days for special permits** and wireless telecommunications from the date the application was filed with the Town Clerk.
- The ZBA must file with the Town Clerk their written decision within 14 days of their verbal decision.
- There is a 20-day period after the written decision is filed, during which this decision may be appealed.
- If no appeal is filed within the 20-day appeal period, the ZBA will forward a Certificate of Granting signed by the Town Clerk to the Applicant. Applicants will be responsible for filing this form, together with a copy of the decision, at the Plymouth County Registry of Deeds. The applicant shall provide proof of this recording to the ZBA prior to the issuance of any building permits.