



ZONING BOARD OF APPEALS

90 SOUTH MAIN STREET
SHARON, MASSACHUSETTS 02067

ZBA Secretary
sharonzba@townofsharon.org

Building Inspector
(781) 784-1525
www.townofsharon.net

ZBA APPLICATION PROCEDURES

1. General Information

The Zoning Board of Appeals (“ZBA” or “the Board”) acts upon applications for Special Permits, Variances pursuant to G.L. c. 40A, the Town's Zoning Bylaws, the Signs Bylaw, appeals of the Building Inspector's decisions and Comprehensive Permits under G.L. c. 40B. A copy of the ZBA meeting schedule, filing deadline for each meeting, and application forms can be found on the ZBA website, <https://www.townofsharon.net/zoning-board> or at the Department of Public Works office located at 217R South Main Street, Sharon, MA. All hearings are open to the public, as required by law, and all applications and materials submitted become public record.

2. Preparing the Application

Review the Sharon Zoning Bylaws, Chapter 275 of the Sharon Bylaws, (or the Signs Bylaw, Chapter 221 of the Sharon Bylaws and also review the Permitting Guide flow chart at www.townofsharon.net before completing the ZBA Application for Hearing. If you still have questions, please contact the Building Inspector for clarification on any zoning or building questions at (781) 784-1525. Identify the specific sections of the Zoning Bylaws that pertain to the zoning relief requested. Failure to cite or note the correct sections of the Zoning Bylaws could cause delays for your project.

Fill out the ZBA Application for Hearing completely in accordance with these procedures and obtain:

- a. Building plans;
- b. Plot Plan, which may be an existing mortgage plot plan if you are not changing the footprint of any structure. If the footprint of the building changes, a certified plot plan from a registered land surveyor is required showing existing and proposed improvements with dimensions and distances to lotlines. An instrument survey is not necessary;
- c. A copy of certified list of abutters. This list shall contain the names and addresses of all abutters within 300 feet. This certified list can be obtained from the Assessors' office at the Town Hall and will be presented on two complete sets of mailing labels;

d. The Building Inspector will advise applicants if letters of comment are needed from the Conservation Agent, Board of Health Agent, or Town Engineer. This will be considered the application package.

The application package must be reviewed and signed by the Building Inspector prior to being filed with the Town Clerk. All hearing applications must be submitted to the Building Inspector on paper and PDF electronic format. All applicable site plans, building plans and any required documentation must be included for this review. Applicants may wish to obtain legal counsel to assist them with the application and hearing process.

Please note that certain types of applications require recommendations and/or approvals from other boards and commissions before a decision may be rendered by the ZBA. Some examples are:

- If any portion of the property is located within any of the Town's Historic Districts or is a “significant building” pursuant to Sharon Bylaws, Chapter 174, Historic Preservation, a determination by the Historic District Commission may be required before a demolition permit can be granted, especially for homes over 100 years in age, and/or before a decision may be rendered by the ZBA.
- If Planning Board review is required, additional copies of the complete ZBA application and supporting documentation must be submitted to the Planning Board at the same time that the application is filed with the ZBA.
- If any portion of the property falls within the jurisdiction of the Conservation Commission, contact the Conservation Administrator. A Determination of Applicability and/or an Order of Conditions may be required before a decision may be rendered by the ZBA.

3. Obtain a Certified Abutters List from Sharon Assessors Office

Submit the "Abutters Request Form" found at www.townofsharon.net/assessors with a check for the required fee. Please allow ten (10) days for the abutters list to be completed. Once completed, the Assessors Office will notify the applicant either by phone or by email of the date the abutters list and two sets of mailing labels may be picked up.

4. How to File the Application

After the Building Inspector has approved and signed the application package, bring seven (7) copies of the application package (including the original), the abutters list, and a check for the filing fee to the Town Clerk's office. The Town Clerk will date stamp each copy of the application, keep the original, and return the rest to the applicant.

Submit the remaining application packages, abutters list, and the check or cash for the filing fee to the Building Department, located at 217R South Main Street. Copies will be forwarded to the

appropriate boards, commissions or officials for review. For publication purposes, the Building Department must receive the full application 30-days prior to the hearing (Monday or Tuesday if a holiday falls on Monday). This will allow ample time to review, write, and seek Town Counsel review prior to submitting legal notice for local publication on Thursdays.

5. Prior to the ZBA Hearing

The applicant will be notified of the scheduled hearing date and will be notified of the cost of the required notice to be published in the newspaper. Building Department staff will send the legal notice to the newspaper publisher and the publisher will bill the applicant or party listed on the "Legal Notice Form" submitted with the application.

Notice of the public hearing must be published twice, the first publication to be not less than fourteen days before the day of the hearing, not including the hearing date or the date of advertisement. In addition, the meeting agenda will be posted at the Town Clerk's office and mailed to the applicant and all interested parties according to the certified abutters list and M.G.L. c. 40A, § 11.

The applicant should follow up with staff and other town boards, commissions and officials, as applicable, to ensure that their review and recommendations will be available prior to the scheduled hearing date. If such reviews and recommendations will not be available by the scheduled hearing date, the applicant should request a continuance of the ZBA hearing, in writing, until such reviews and recommendations are required.

Although it is not required, the ZBA encourages all applicants to meet with abutters prior to the public hearing to discuss and review the application.

6. The ZBA Hearing

Public Hearings shall be held by the Board generally on the second and fourth Wednesdays of each month unless another date shall be set by the Chairperson. The hearings shall commence at 7:00 p.m. or at such other time as may be set by the Chairperson and shall continue until all matters on the agenda have been heard or the hearing is adjourned or tabled by a majority vote of the Board.

Hearings shall be held at the Sharon Community Center, unless another place is designated by the Chairperson. Meetings may be conducted remotely when meeting in person is not possible, due to public health emergency, for example, and instructions for attending any virtual meeting will be included in the Agenda as posted on both the ZBA and Town websites.

All public hearings and deliberation meetings of the Board shall be open to the public and press, unless the Board shall vote to go into Executive Session in accordance with the Open Meeting Law.

All public hearings shall be called to order by the Chairperson and cases shall be called for hearing in numerical order. Cases, however, may be heard out of turn by majority rule of the Board for cause shown. Any case not ready for hearing when reached shall be dropped to the end of the hearing list. Requests for continuance, postponement, or withdrawal of petition must be presented in writing to the Secretary before the hearing.

An application for a special permit or a variance may be withdrawn, without prejudice, by the applicant prior to the publication of the notice of the public hearing. After publication of the public hearing notice, an application can only be withdrawn without prejudice with the approval of the Board.

A repetitive petition after either withdrawal of an application with prejudice or an unfavorable decision may not be filed with the Board for a period of two years after the date of withdrawal or unfavorable action unless such repetitive petition is approved by the Board.

You should come in person on the evening your application is scheduled to be heard, unless the meeting is virtual. Please see the Town of Sharon website for meeting agenda or contact the ZBA secretary. You need not bring an attorney, but you may do so if you wish. You may bring your architect or building contractor, if any, if you wish that person to supplement your answers to any questions the Board members may have.

When your application is heard, you will be given an opportunity to explain your request to the Board and review with the Board any materials accompanying your application. After you speak, Board members may ask questions to make sure they understand your request, and to address any missing information, issues or concerns. After the Board members have asked questions, interested members of the public who may wish to speak about your application are invited to offer any data, views and/or arguments relevant to your request.

If the Board has questions or requests that cannot be answered or satisfied at the hearing, including arranging for a site visit by the Board, the hearing may be continued to a future scheduled meeting.

If you have additional, supplementary or new materials, plans, etc., to provide to the Board that were not included with your original application, these should be submitted to the ZBA Secretary (seven (7) paper copies to ZBA Secretary, Zoning Board of Appeals, Sharon Town Hall, 90 South Main Street, Sharon, MA 02067 and electronically in PDF to sharonzba@townofsharon.org) at least 7 days prior to the hearing date, or at least 7 days prior to the date of any continuation of the hearing. This is to ensure that the Board, and abutters or other interested parties, have adequate time to review and consider these materials prior to the hearing.

The Board reserves the right to refuse to accept any materials from the applicant that are not submitted to the Board at least 7 days prior to the hearing or continuance, or to require a further continuance to a future meeting to provide ample time for the review of late submissions.

After the Board has heard from you (and anyone you bring with you to testify), abutters and other members of the public, and after all questions have been answered to the satisfaction of the

Board, the Board member leading the hearing will call for a motion to close the record of the hearing. When the record is closed, the Board will no longer receive or consider oral or written testimony concerning your application. In the rare case where additional information is offered that was not available at the time of the hearing, the Board can vote to re-open the record to receive that information, and it will then notify the applicant and post public notice of the reopening.

7. The Decision

If you have asked for a Special Permit, the Board has 90 days from the date on which the hearing is closed to render a decision on your request. If you have asked for a Variance or if you have filed an Appeal from the decision of the Building Inspector or the Planning Board, the Board has 100 days from the date on which your application was filed with the Town Clerk to render its decision on your request. The parties may extend these deadlines by filing a written agreement of such extension of time with the Town Clerk's office.

Decisions are voted on tentatively by the Board, subject to the drafting and signing of a written Decision, and to the terms and conditions contained in the written Decision.

The Board may condition its approval of your application by imposing various requirements to ensure compliance with decision criteria and to memorialize certain agreements or commitments made at the hearing or in your application, which will be stated in the Decision.

Typically (but not always), a Decision is signed at the next regularly scheduled Board meeting following the vote on your application. Upon being signed, the Decision is filed in the office of the Town Clerk. The Town Clerk will stamp the Decision, a copy of the Decision will be mailed to you, and a notice that the Decision has been rendered will be mailed to abutters and interested parties.

If you or someone else disagrees with the Decision, there will be a 20-day period from the date the Decision is filed with the Town Clerk to appeal the Decision to an appropriate court. If no appeal is filed within the 20-day appeal period, bring the certified copy you received to the Town Clerk's office and they will certify that the appeal period has passed and no appeal has been filed.

8. Post-Decision

It is your responsibility to promptly record the Decision, with the Town Clerk's certification, with the appropriate Registry of Deeds or Registry District of the Land Court (Section 11 of Chapter 40A of Massachusetts General Laws provides that no special permit or variance takes effect until the Decision is recorded with the registry of deeds), and to provide Board staff or the Building Inspector with a copy of the recorded Decision.

M.G.L. Ch. 40A, Section 10 provides that, “If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse.”

Pursuant to M.G.L. Ch. 40A, Section 9 and Section 6316 of the Sharon Zoning Bylaws, a special permit shall lapse within 2 years, if a substantial use has not commenced, except for good cause or, in the case of a special permit for construction, if construction has not begun, except for good cause. If you believe that there is good cause why you have not begun your permitted construction or use within that period, you must notify the Board that you do not wish your permit to lapse and you must ask for a hearing where you can explain why you need an extension.

It is your responsibility to comply with all the terms and conditions of the Decision. Failure to do so will constitute a violation of the Bylaws and may result in severe consequences to your project, including, but not limited to, stop work orders, fines, modifications to the conditions and terms of the Decision, and/or the withdrawal of the approval provided for in the Decision.