

REQUIRED BY SECTION 18 OF CHAPTER 40A M.G.L.

**ZONING BOARD OF APPEALS
CITY OF BROCKTON
(ADOPTED MAY 13, 1975)**

ARTICLE I-ORGANIZATION

Sec. 1 OFFICERS

At the first regular meeting following the confirmation of the annual appointees, the Board shall elect all officers of the Board to include a Chairman, Vice-Chairman, and Clerk. Alternates do not participate in this act.

Sec. 2 CHAIRMAN: POWERS AND DUTIES

The Chairman shall vote and be recorded on all matters coming before the Board. Subject to these rules, he shall decide all points of order, unless overruled by a majority of the board in session at the time. He shall appoint such committees as may be found necessary or desirable.

In addition to powers granted by general laws and local ordinances, and subject to these rules and further instructions of the Board, the chairman shall transact the official business of the Board, supervise the work of the clerk, request necessary help, direct the work of all subordinates, and exercise general supervisory power. He shall at each meeting report on all official transactions that have otherwise come to the attention of the Board.

Sec. 3 VICE-CHAIRMAN

The vice-chairman shall act as chairman in the case the chairman is absent, disabled, or otherwise unable to perform his duties.

Sec. 4 CLERK

The clerk shall be the Building Inspector of the City of Brockton and is a non-voting member of the Board, designated by the Board. Subject to the direction of the Board and its chairman, he shall supervise all of the clerical work of the Board including: all correspondence of the Board, sending of all notices required by law and the rules and orders of the Board, receive and scrutinize all applications for compliance with the rules of the Board, keep dockets and minutes of the Board's proceedings, compile all required records, maintain necessary files and indexes, and call the roll at all Board meetings.

Sec. 5 ALTERNATE MEMBERS

The chairman of the Board may designate an alternate member from the list of approved alternates to sit on the Board in case of the absence, inability to act or conflict of interest on the part of any Board member. Alternates are to be designated by the chairman on a rotating basis to insure that each approved alternate will have an opportunity to participate.

**ARTICLE III
(RESERVED)**

**ARTICLE IV
DISPOSITION BY THE BOARD**

Sec. 1 VOTING REQUIREMENT

The concurring vote of at least four members of the Board shall be necessary in any action taken by the Board.

The record shall show the vote of each member upon each question, or if absent or failing to vote, indicate such fact. It shall, in addition, set forth clearly the reason or reasons for its decisions related to the necessary statutory requirements.

Sec. 2 WITHDRAWAL

An application may be withdrawn by notice in writing to the Clerk at any time prior to the hearing by the Board.

Sec. 3 RECONSIDERATION

Once a petition has been voted upon and the meeting adjourned, there shall be no reconsideration of a decision of the Board.

Sec. 4 REAPPLICATION (only applicable is Sec. 16 of Chapter 40A accepted)

In order to have a petition reheard within two years, the petitioner must request permission from the **Planning Board**, showing new evidence that substantially alters the conditions of the petition. At least a majority of the Planning Board must agree that this condition has been met. Once the Board agrees, **the petitioner must reapply to the Board of Appeals in the normal manner.**

Sec. 3 PLAN TO ACCOMPANY PETITION

- a. Each application and petition to the Board shall be accompanied by SEVEN (7) copies of the following described plan:

The size of the plan shall be drawn to scale; it shall have a North point, names of streets, Zoning districts, names of owners of properties within a scope of abutters of the subject property, property lines and locations of buildings on surrounding properties. The location of buildings or use of the property where a Variance is requested and distance from adjacent buildings and property line shall be shown on the plan. The dimensions of the lot and the percentage of the lot covered by the principal and accessory building, and the required parking spaces shall be shown. Entrances, exits and driveways, etc., that are pertinent to the granted of the Variance shall be shown. All proposed data shall be shown in **red** to contrast with existing structures, property lines, etc.

- b. The Inspector of Buildings may at his/her discretion waive the requirements of Article II, Section 3a. This waiver is not intended to weaken the provisions of Article II, Section 3a, but does allow for good judgment in cases where specific plans are not necessary for the Board to make a fully informed decision.

Sec. 4 FEES

Cash or a check made payable to the **City of Brockton**, in the amount of \$150.00 for residential and \$160.00 for commercial shall accompany all applications.

Sec. 5 BRIEF TO THE BOARD

It is recommended that every appeal and every application for a Variance or Special permit be supported by a brief setting forth in detail all facts relied upon by the parties. This is particularly desirable in the case of a Variance when the following points, based on General Laws, Chapter 40A, Sec. 15, should be clearly identified and factually supported.

- a. The particular use proposed for the land or building.
- b. The conditions especially affecting the property for which a Variance is sought which do not affect generally the zoning district in which it is located.
- c. Facts which make up the substantial hardship, financial or otherwise, which result from literal enforcement of the applicable zoning restrictions with respect to the land or building for which a Variance is sought.

Sec. 6 ADVISORY MEMBER

The City Planner of the City of Brockton shall be invited to attend all meetings and given the opportunity to express his opinion on matters where his expertise applies.

Sec. 7 QUORUM

Four members (regular/alternate) require to be present for a quorum.

Sec. 8 REGULAR MEETINGS

Regular meetings for the Board of Appeals shall be held at 6:00pm on the second Tuesday of each month, in the Council Chambers of City Hall, Brockton, MA. If a regular meeting day falls on a holiday or election day or the like, the meeting will be held as soon as convenient following the regularly scheduled date.

Sec. 9 SPECIAL MEETINGS

Special Meetings may be called by the Chairman or at the request of two members. Written notice thereof shall be given to each member at least 48 hours before the time set, except that announcement of a Special Meeting at any meeting attended by all members shall be sufficient notice of such meeting. Notices shall be posted publically as required by the law.

ARTICLE II APPLICATIONS TO THE BOARD

Sec. 1 APPLICATION FORM

Every application for action by the Board shall be made on the official form available in the Building Inspector's Office. These forms shall be furnished upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed.

- a. An information sheet describing the criteria to be met by the petitioner should be given in addition to the application form.

Sec. 2 FILING PERIOD

Every application shall be filed and every appeal taken within thirty days from the refusal of a permit by, or the date of the order, ruling decision or determination of the Building Inspector.

Sec. 5 ONE YEAR LIMIT ON GRANTS: EXTENSIONS

If an application is granted by the Board, all permits necessary for the prosecution of the work shall be obtained and construction shall be commenced within one year from the date of grant.

Reasonable extension of said time may be granted by the Board in the case of an appeal to the Superior Court under General Laws, Chapter 40A, Sec. 10, or for other good cause shown.

ARTICLE V POLICIES AND ADVICE

Any advice, opinion, or information given by any Board member or the clerk, or any other official, or employee of the City of Brockton shall not be binding on the Board. Because of the annoyance caused by individuals appealing personally to members of the Board, it is declared to be policy of the Board to discourage any such personal appeals.