



Legal Ads
Community Newspaper Company
P.O. Box 9113
Needham, MA 02192-9113

To whom it may concern:

I hereby authorize Community Newspaper Company to bill me directly for the legal notice to be published twice in the Register newspaper for a public hearing with the Town of Dennis Planning Board/Zoning Board in connection with the:

I understand that notification of this request will be placed in a local newspaper at my expense in accordance with the policies of the Planning and Appeals Office.

Signed: _____

Name Printed:

Address:

Phone #:

E-Mail Address:

**PLANNING BOARD & ZONING BOARD OF APPEALS PETITION
PROCEDURE**

In order to make application to the Planning Board or Zoning Board of Appeals the following **must** be submitted to the Planning and Appeals Office:

1. **TOWN OF DENNIS PLANNING BOARD & ZONING BOARD OF APPEALS APPLICATION FOR HEARING**

The petitioner shall furnish **all** the requested information on the **official application form**, including the location and owner of the property involved; description of what is being proposed and what section of the Dennis Zoning By-Law relief is being sought along with the **referral form** received from the Building Commissioner. The applicant **must** supply the Planning and Appeals office with a certified abutters list. This list must be a **300-foot radius** of all the abutters and must include the map and parcel along with the name and address of each abutter. This list can be obtained at the Assessor's Office. **The applicant is responsible to submitting the legal advertisement to the Cape Cod Times and notifying each abutter by certified mail. The applicant must show the returned signed green cards to the Planning and Appeals office before the hearing date otherwise they will not be heard on such date.**

2. **FILING FEE – SEE ATTACHED FEE SHEET**

The applicant must **completely fill** out the application before submitting the application to the Planning & Appeals office.

The applicant **MUST** have their application **plus two (2) additional copies** of the application stamped in at the Clerks office before submitting the application to the Planning and Appeals office.

Checks are to be made payable to the **TOWN OF DENNIS**.

3. **CERTIFIED PLOT PLAN - NOT SHOWING ANY SEPTIC**

The original and fifteen **(15)** copies for the **Planning Board** and/or **(12)** copies for the **Zoning Board of Appeals** of a clear and concise **CERTIFIED** plot plan or **Certified** Site Plan prepared by a Registered Professional Land Surveyor shall be submitted. One of which shall contain an **original** signature (in **red** ink) and **seal**.

A. A certified plot plan for all applications shall include the following:

1. Locus Map
2. Perimeter dimensions, including frontage
3. Area of Lot
4. Names of streets and abutting property owners
5. Distances of existing and proposed structures from property lines
6. Proposed additions or alterations of existing buildings with setbacks
7. Proximity to wetlands
8. Topography and/or other land conditions relevant to the petition
9. Dimensions of existing and proposed structures
10. Lot number, map and parcel number and zoning district

B. A certified plot plan for commercial, multi-family, and motel conversions shall also include the following:

1. Parking capacity, parking layout and dimensions of parking spaces
2. Landscaping
3. Site coverage
4. Surface water drainage in parking area

C. The following information should be provided in addition to the above, for commercial, multi-family, and motel conversions:

1. Floor Plan - a separate sketch is sufficient
2. Seating Plan - for restaurants only, a separate sketch is sufficient
3. Elevation Plan - for commercial applications only

4. COPY OF DEED

A copy of the most recent deed shall also be filed which can be obtained at the Assessor's Office.

WHAT HAPPENS AFTER YOU FILE

Once **all** of the above material has been properly submitted to the Planning and Appeals Office the applicant will be scheduled for the earliest hearing date available, but no later than 65 days after the application has been received by the Town Clerk.

Applications are automatically sent to the Building, Engineering, Health, Police, Fire, Tax and Conservation Departments for review. Any correspondence received from abutters is placed in the case file and read into the record at the hearing. **Applicants are encouraged to review the case file prior to the hearing and to refer to Section 1.4 of the Town of Dennis Zoning By-Law.**

At the time of the hearing it will be the responsibility of the applicant/petitioner or his/her representative to present the case to the Planning Board or the Board of Appeals. The

Planning Board, which is made up of seven (7) Board members, generally renders their decision on the night of the hearing. In order for an application to be approved there must be a minimum of five (5) voting in favor. For example, if the vote were three (3) in favor and two (2) opposed, the application request would be denied. The Zoning Board of Appeals is made up of (5) Board members, generally renders this decision on the night of the hearing. In order for the application to be approved there must be a minimum of four (4) voting in favor.

Following the decision of the Planning Board or the Board of Appeals, whether the application has been approved or denied, the Planning & Appeals office has fourteen (14) days to file their decision with the Town Clerk. From the date that the Town Clerk receives the decision there is a mandatory twenty (20) day appeal period at which point anyone who is aggrieved by the Board's decision can appeal this decision pursuant to MGL Chapter 40A, Section 17.

Following the twenty (20) day appeal period, provided the Planning Board or Board of Appeals approved the application; the Town Clerk will certify that no appeals have been filed against this decision. This original decision, certified by the Town Clerk, along with a Certificate of Granting of Special Permit, will be sent to the applicant by certified mail. **These documents must then be recorded, by the applicant, at the Barnstable Registry of Deeds.** The applicant must then return a copy of the recorded documents to both the Planning and Appeals Office and the Building Commissioner's Office. The Special Permit, Variance, or Appeal is not valid and a building permit cannot be obtained, until these documents have been recorded at the Registry of Deeds.

FOR QUESTIONS PLEASE CALL THE PLANNING AND APPEALS OFFICE AT 508-760-6119.

PLANNING BOARD

Under Chapter 40A, Massachusetts General Laws and the Dennis Zoning By-Law, the Board of Appeals has the power to hear the following:

A. SPECIAL PERMIT (§1.4.2.1 of Zoning By-Law)

To hear and decide applications for special permits upon which the Board is empowered to act under this By-Law pursuant to M.G.L. ch. 40A. Special permits may be granted only upon a finding by the Board that the proposed use will not create nuisance, hazard or congestion, or other significant harm to the neighborhood, nor cause derogation from the general purpose and intent of the By-Law, the stated district intent or applicable use criteria. It shall be the responsibility of the applicant for any special permit to show, to the satisfaction of the Special Permit granting authority, that the following criteria are met:

- a. The use is allowed by special permit in the district in which proposed, pursuant to §2.2.2 - Use Regulations Schedule;
- b. Suitability of the site for the proposed use in light of the applicable district intent, as provided in §2.1.5;
- c. Adequacy of management of traffic flow within the site as well as in relation to adjoining streets and properties, so as to minimize unsafe or harmful impacts of the use;
- d. Compatibility of the proposed use with surrounding land uses, so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values;
- e. Adequacy of provision of utilities and other necessary or desirable public services;
- f. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and neighborhoods; and
- g. Adequacy of protection from degradation and alteration of the natural environment, including but not limited to slopes and other topographical features, vegetation, wetlands, groundwater and water bodies and wildlife habitat.

B. VARIANCE (§1.4.2.2 of Zoning By-Law)

To hear and decide appeals or petitions for variances from the terms of this By-Law with respect to particular land or structures, including variances to allow a use other than provided for in Section 2.2.2. Such variance shall be granted only in cases where the Board of Appeals makes findings that are consistent with the criteria outlined in M.G.L. ch. 40 A, §10.

"The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law".

C. APPEALS (§1.4.2.3 of Zoning By-Law)

To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. ch. 40A, and as otherwise provided for by M.G.L. ch. 40A, §8.

M.G.L.Ch. 40A, §8

An appeal to the permit granting authority as the zoning ordinance or by-law may provide, may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of this chapter, by the regional planning agency in whose area the city or town is situated, or by any person including an officer or board of the city or town, or of an abutting city or town aggrieved by an order or decision of the inspector of buildings, or other administrative official, in violation of any provision of this chapter or any ordinance or by-law adopted there under.