

PLANNING BOARD
TOWN OF DENNIS
SPECIAL PERMIT RULES AND REGULATIONS
IN ACCORDANCE WITH SECTION 9 OF CHAPTER 40A M.G.L.

ARTICLE I - ORGANIZATION

Sec. 1 - OFFICERS

At the first regular meeting following the confirmation of the annual appointee, the board shall elect all officers of the board to include a chairperson, vice-chairperson and clerk.

Sec. 2 - CHAIRPERSON: POWERS AND DUTIES

The chairperson shall vote and be recorded on all matters coming before the board. Subject to these rules, he/she shall decide all points of order, unless overruled by a majority of the board in session at the time. He/she 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 chairperson 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/she shall at each meeting, report on all official transactions that have not otherwise come to the attention of the board.

Sec. 3 - VICE-CHAIRPERSON

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

Sec. 4 - CLERK

The clerk shall be a member of the board, designated by the board. Subject to the direction of the board and its chairperson, he/she 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 - QUORUM

A minimum of five members of the seven-member board must be present to constitute a quorum.

RULES AND REGULATIONS, continued

Sec. 6 - REGULAR MEETINGS

Regular meetings of the Planning Board shall be held at 7:30 PM on the second and fourth Mondays of each month at the Town Hall. If a regular meeting day falls on a holiday, or election day, the meeting shall be held on the Wednesday following, or at such time and place advertised.

Sec. 7 - SPECIAL MEETINGS

Special meetings may be called by the Chairperson, or at the request of two members. Written notice thereof shall be given to each member at least 48 hours before the time set. Notices shall be posted publicly as required by 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. These forms shall be furnished by the clerk upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek a hearing until such time as it is made on the official form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed. Any incomplete application shall not be considered in accordance with Section 4.1.1 of the Zoning By-Law.

Sec. 2 - FILING PERIOD

Every application shall be filed within thirty days from the date of refusal of a permit by, or the date of the order, ruling decision or determination of, the building inspector or other administrative official.

Sec. 3 - PLAN OF LAND TO ACCOMPANY PETITION

Each application and petition to the Board shall be accompanied by five copies of the plan or plans specified under Section 4.1.2.4 of the Dennis Zoning By-Law. Any application not accompanied by the required plan or plans shall not be considered in accordance with Section 4.1.1 of the Zoning By-Law.

Sec. 4

All applications shall be accompanied by a check, payable to the Town of Dennis in the amount of fifty (50) dollars.

RULES AND REGULATIONS, continued

ARTICLE III
HEARINGS

Sec. 1 - NOTICE

Notice of hearings shall be advertised as required by the provisions of General Laws, Chapter 40A. In addition, a copy of the advertised notice shall be sent by mail, at least 14 days prior to the date of the hearing, postage prepaid to the applicant or petitioner, to the abutters within 300 feet of the property at issue as identified on the most recent local tax list, to the planning board of every abutting town, and to the building inspector and all those listed in the law.

Sec. 2 - HEARINGS TO BE PUBLIC

All hearings shall be open to the public. No person shall be excluded unless he is considered by the chairperson to be a "serious hindrance" to the workings of the board.

Sec. 3 - REPRESENTATION AND ABSENCE

An applicant may appear in his own behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the board may decide on the matter using the information it has otherwise received.

Sec. 4 - ORDER OF BUSINESS

- a. Reading of petition and legal notices by the Clerk, together with presentation of exhibits, if any.
- b. Applicant's presentation.
- c. Questions from the Board.
- d. Questions from the public.
- e. Applicant's summary.

Members of the board who are hearing the case may direct appropriate questions during the hearing.

RULES AND REGULATIONS, continued

Sec. 5 - BRIEF TO THE BOARD

It is recommended that every special permit, be supported by a brief setting forth in detail all facts relied upon by the parties.

- a. Facts relied upon to support a finding that the approval sought will be desirable and without substantial detriment to the public good.
- b. Facts relied upon to support a finding that the approval sought may be given without nullifying or substantially derogating from the intent and purpose of the zoning ordinance.

Briefs may be filed at or before the public hearing.

A detailed record of proceedings, including the vote on each question, must be filed with the Town Clerk within ninety (90) days of the public hearing.

ARTICLE IV
DISPOSITION BY THE BOARD

Sec. 1 - VOTING REQUIREMENT

The concurring vote of at least five 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.

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. After an advertisement, withdrawal shall be allowed only by board approval.

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

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 five members of the Planning Board must

agree that this condition has been met. Once the board agrees, the petitioner must reapply to the Planning Board in the normal manner.

Sec. 5 - ONE YEAR LIMITATION ON GRANTS

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 filing of the board's decision in the office of the Town Clerk.