

# TOWN OF HINGHAM



## ZONING BOARD OF APPEALS RULES & REGULATIONS

Revised Through September 2016

# Zoning Board of Appeals Rules & Regulations

Adopted July 2, 1987

Amended:

to add II-E: Comprehensive Permit Submission Requirements	Nov 19, 1987
to add II-F: Site Plan Review-Engineering Review	Jul 6, 1989
to correct II-D, 7: location of fee § in Zoning By-Law	Jul 24, 1990
to correct II-E, 11: increase in Comprehensive Permit fee	Jul 24, 1990
to amend II-F: MGL 44, § 53G - engineering review accounts	Jul 24, 1990
to add new I-G duties of Bd. of Appeals Administrator and renumber Aide duties	Mar 10, 1994
to add to II-D Submission Requirements: 8. Utility Service	Apr 11, 2002
to update throughout and in particular the provisions on fees for professional assistance	Sep 18, 2003
to update throughout and in particular zoning administrator, filing fees and Comprehensive Permit requirements	Jan 21, 2010
to modify Section F: Powers and Duties of the Zoning Administrator and Section I: Meetings and Hearings of the Board	Sep 14, 2016

**TOWN OF HINGHAM  
BOARD OF APPEALS**

**RULES AND REGULATIONS**

(Adopted July 2, 1987)

These Rules and Regulations have been prepared by the Board of Appeals in compliance with Chapter 40A, Sections 9 and 12 of the Massachusetts General Laws, as amended, and supersede those dated June 21, 1962, as amended.

**I. ORGANIZATION**

A. Members and Officers

The Board of Appeals shall consist of three regular and such associate members as may be appointed by the Board of Selectmen. The regular members shall elect annually from their number a Chairman, Vice-Chairman, and Clerk.

B. Powers and Duties of the Chairman

The Chairman shall vote and be recorded on all matters coming before the Board. Subject to these Rules, the Chairman shall issue the call for and preside at all meetings and hearings; decide all points of order, unless overruled by a majority of the panel in session at the time; prepare and submit all reports required by law; and appoint such committees as may be found necessary or desirable.

In addition to powers granted by the General Laws, the By-Laws of the Town or otherwise, and subject to these Rules and further instructions of the Board, the Chairman, or his designee, shall transact the official business of the Board; sign all purchase orders for expenditures by the Board; supervise the work of the Administrative Assistant and Zoning Administrator; request necessary help; direct the work of all subordinates; and exercise general supervisory power.

C. Powers and Duties of the Vice-Chairman

The Vice-Chairman shall vote and be recorded on all matters coming before the Board. The Vice-Chairman shall have such powers and be charged with such duties as the Chairman shall designate, and shall act as Chairman when the latter is absent or otherwise unable to perform his duties.

D. Powers and Duties of the Clerk

The Clerk shall vote and be recorded on all matters coming before the Board. The Clerk shall have such powers and be charged with such duties as the Chairman shall designate, and shall act as Chairman when the Chairman and Vice-Chairman are absent or otherwise unable to perform their duties. If the Clerk is absent or otherwise unable to perform his duties, the Chairman or Vice-Chairman may designate an acting Clerk.

E. Powers and Duties of Associate Members

The Chairman of the Board shall designate an associate member to sit on the Board in case of the absence, inability to act, or conflict of interest on the part of any Board member. In the event of a vacancy on the Board, the Chairman will meet with the Board of Selectmen to designate an associate member to act as regular member to fill the unexpired portion of the vacant term.

F. Powers and Duties of the Zoning Administrator

Pursuant to the authority granted by M.G.L. ch. 40A, § 13, as adopted in the Town of Hingham Zoning By-Law, Section I-E, on April 22, 1985, the regular members may appoint a Zoning Administrator, subject to confirmation by the Board of Selectmen. The Zoning Administrator shall have such powers and perform such duties as are delegated to such person by the Board, including but not limited to:

1. Reviewing all applications for hearing before the Board and determining which application may be heard by the Zoning Administrator;
  - a. The Zoning Administrator shall hear:
    - i. all applications for dimensional variances determined by the Zoning Administrator to be de minimus;
    - ii. all applications for extensions of variances; and
    - iii. all applications for signs under Section V-B of the By-Law, except those sign applications included with applications for additional relief.
2. Conducting public hearings where appropriate and issuing decisions thereon.

On July 10, 2013, the Board of Appeals appointed, and the Board of Selectmen confirmed, Emily Wentworth to serve as the Zoning Administrator.

G. Powers and Duties of the Board of Appeals Administrator

The members of the Board may appoint an Administrator to represent and act for the Board with members of the public and other Town boards, in accordance with general policies and directions established by the Board members. The Administrator will provide Zoning By-Law interpretation and research, will fulfill all administrative aspects of maintaining a Board of Appeals and Zoning office at the Town Office Building, and will monitor compliance with and satisfaction of all decisions of the Board. The Administrator shall supervise the daily work of the Board of Appeals Administrative Assistant.

H. Powers and Duties of the Board of Appeals Administrative Assistant

The Board may hire an Administrative Assistant to carry out the clerical work of the Board, including but not limited to: all correspondence, keeping of records of the Board's proceedings, compilation of all required records, maintenance of necessary files, preparation and distribution of legal notice of all hearings and decisions as required by the General Laws.

I. Meetings and Hearings of the Board

All meetings and hearings of the Board shall be open to the public, with notice thereof posted publicly as required by law.

A quorum of the panel shall consist of three members for the purpose of conducting all hearings pursuant to M.G.L. ch. 40A. Two of three members shall constitute a quorum for administrative functions such as approving meeting minutes or continuing public hearings without receipt of testimony. Additionally, two of three members shall constitute a quorum in the case of an application for a Comprehensive Permit under M.G.L. ch. 40B §§ 20-23.

(See further under Article III of these Rules and Regulations.)

## II. APPLICATION FOR HEARING

### A. Standing to Seek Relief

The Board may hear applications from any owner of land, any contract purchaser acting within the scope of authority of the contract, or any aggrieved party as defined in the statute.

### B. Approved Forms

Every appeal, petition, or application to the Board shall be complete in all respects and shall be submitted on an approved form adopted for that purpose. Approved forms are incorporated into these rules and attached hereto as Exhibit 1. Any other communication, whether or not it purports to be an appeal, petition, or application, shall constitute mere notice of intention to seek relief, until such time as it is properly made on an approved form. The Board shall only consider a properly completed form with all required supporting documentation attached to be an appeal, petition or application.

### C. Manner of Filing

One copy of the complete application shall be filed with the Town Clerk.

Duplicate copies of the complete application (Items 1-8 in II-D) shall be filed with the Board of Appeals, as directed by the Board's Administrator. Upon receipt, the Administrator will circulate the application to appropriate other Town boards and officials for review and comment.

The application shall include all items listed as 1-8 in II-D for which a waiver has not been granted, (see II-H).

### D. Submission Requirements

At the public hearing the Board will discuss and make its decision on the basis of the plans submitted at the time of filing, except where the plans in question have been revised after site plan review or where the Board shall otherwise determine for good cause shown.

An instruction sheet and other forms will be available at the office of the Board or the Building Department and can be downloaded from the Town's web site: [www.hingham-ma.gov](http://www.hingham-ma.gov). To be accepted as a filing the application must include:

1. **Application for Hearing** - Form 2 - bearing the signature of the property owner and applicant, or the appellant, or their duly authorized agents.
2. **Requested Findings of Fact** - Form 2A-Appeal, Form 2B-Variance, Form 2C-Special Permit A1,

Form 2D- Special Permit A2 - bearing the signature of the property owner and applicant, or the appellant, or their duly authorized agents.

3. **Deed or Land Court Certificate of Title** to the subject property, or other evidence of the applicant's standing to seek relief (see II-A). Easements, rights of way and other legal encumbrances mentioned in the Deed or Certificate should also be included.
4. **Plot Plan** - the latest recorded plan of the subject property; or if no such plan exists, a plan of the land endorsed by a registered professional engineer or registered land surveyor.

The plan shall show: scale, north arrow, zoning district, lot dimensions and area, flood plain line, topography if relevant, street layout and paving, existing buildings and other improvements with respective dimensions, including floor area and distance from lot lines.

5. **Plan of Proposed Alteration** - The plan shall show scale, north arrow, dimensioned location of the proposed construction and other improvements including floor area. If construction is more than one story, front and side elevations must be submitted and floor areas determined for each story.

In the case of a Special Permit A2 (site plan review) the plans shall be endorsed by a registered professional engineer or architect licensed in Massachusetts.

6. **Certified List of Abutters** - The applicant shall prepare a listing of abutters, as defined in M. G. L. ch. 40A, §11, for certification by the Board of Assessors.
7. **Filing Fee** - A current schedule of fees is included on the instruction sheet for applicants and is available in the offices of the Board or the Building Department. A current schedule of fees are incorporated into these rules and attached hereto as Exhibit 2.
8. **Utility Service** - Proof of availability of service, in the form of a signed commitment letter from the appropriate official, for all utilities required to serve the project shall be provided for all applications for a Special Permit A2 under Section III-A of the Zoning By-Law.

E. Comprehensive Permit Submission Requirements

In the case of an application for a Comprehensive Permit under M.G.L. ch. 40B §20-23, the application contents set forth are minimum requirements. In addition, all requirements as specified under M.G.L. ch 40B §20-23 and 760 CMR 56.00 are hereby incorporated by reference in these Rules & Regulations as they may be amended from time to time.

1. **Preliminary Site Development Plans** showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas, wells, septic systems; original topography and proposed topographic changes and proposed landscaping improvements and open areas within the site, all easements with the names of persons or entities having any rights in

easements. All projects of five or more units must have site development plans signed by a registered architect;

2. **Report on Existing Site Conditions** including the approximate location of existing wetlands and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood;
3. **Preliminary Scaled Architectural Drawings** for each building including typical floor plans, typical elevations and sections, and identifying construction type and typical materials specifications and exterior finish, signed by a registered architect;
4. **Tabulation of Proposed Buildings** by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;
5. **Preliminary Subdivision Plan**, where a subdivision of land is involved;
6. **Preliminary Utilities Plan** showing the proposed location and types of sewage, water and drainage facilities including hydrants, electrical and gas lines, exterior lighting;
7. **Project Eligibility** requirements as specified in 760 CMR 56.04 (1)
8. **Listing of Requested Exceptions/Waivers** to local codes, ordinances, by-laws or regulations. The list shall specifically designate the by-laws, codes, rule or regulation from which relief is sought as well as indicate the applicant's proposed alternative to compliance for each item. The Board shall not allow relief from any provision not specified.
9. **Plot Plan** stamped by a registered professional engineer or registered land surveyor;
10. **Certified List of Abutters** as defined in M.G. L. ch. 40A, § 11;
11. **Filing Fee** of \$250 per unit. In addition the applicant pays the cost of postage associated with abutter notifications and cost of the newspaper legal notice(s).

In addition, the Board shall require engineering detail sufficient to enable it to make the statutory finding that the proposal is consistent with local needs, that it is reasonable in view of the regional need for low and moderate income housing and the need to protect the health and safety both of the occupants and residents of the Town, that it promotes better site and building design in relation to the surroundings, that it preserves open spaces and that regulations are applied equally to both subsidized and unsubsidized housing. The Board may, without limitation, receive and require evidence of the following matters:



## 1. Site and Building Design

- a. Contours and special features of the land, including but not limited to: the flood plain line, wet areas, areas of ledge, unusual or specimen vegetation
- b. Roadway and driveway profiles
- c. Sections and Details showing the proposed installation of roadways, driveways, sidewalks, drainage structures, utilities, plant material, fencing and other site improvements
- d. Adequacy of parking spaces and arrangement
- e. Adequacy of open areas, including outdoor recreational areas, proposed within the project site
- f. Copies of all engineering studies, hydrological, environmental reports and studies that have been conducted on the site
- g. Developer Qualifications
  - i. Credentials and experience; description of the development team
  - ii. Copies of the applicant's articles of corporate organization together with a certificate from the Massachusetts Commissioner of Corporations and Taxation stating that the applicant is registered as a non-profit or limited-dividend corporation

Note: Where more than one building is proposed, or where the land is determined by the Board of Appeals to be difficult to develop in terms of its effect on neighboring streets and properties, the Site Development Plans must be stamped by a Registered Professional Engineer.

## 2. Health and Safety

- a. Structural soundness of the proposed buildings
- b. Adequacy of sewage disposal arrangements, the suitability of local soils for disposal
- c. Adequacy of drainage arrangements
- d. Adequacy of fire protection and access for emergency vehicles and personnel
- e. Adequacy of the applicant's proposed arrangements for dealing with traffic circulation within the site and on adjacent streets
- f. Number and location of wetlands on the site

- g. Source and adequacy of potable and nonpotable water supplies

### 3. Open Space

- a. Availability of existing open spaces, as defined in 760 CMR 56.02
- b. Current and projected utilization of existing open spaces and consequent need, if any, for additional open spaces by the Town's population, including occupants of the proposed housing
- c. Relationship of the proposed site to the Town Open Space Plan and any regional open space plan
- d. Current use of the proposed site and of land adjacent to the proposed site

### 4. Uneconomic Conditions

- a. The individual and combined effect on the applicant's housing proposal of the Town by-laws from which relief is sought
- b. Reasons that particular Town by-laws, requirements or regulations from which relief is sought make the housing proposed by the applicant uneconomical
- c. Changes in rents, costs, unit sizes and number which would be necessary to satisfy the Town regulations from which relief is sought
- d. The limitations imposed, or likely to be imposed, on the applicant by the financing agency with respect to size, amount of subsidy, permissible rentals and tenant incomes and unit costs
- e. Financial Plan: Pro Forma for the proposed development to include all anticipated expenses and revenues; construction schedule and phasing
- f. Copies of marketing studies, appraisals, cost estimates and all other documents in the control of the applicant that refer to or relate to the date contained in the pro forma

Note: Land cost for an ownership development is an allowable development cost at the greater of (a) the value of the project site before any zoning change or other relief granted by the comprehensive permit plus documented and reasonable carrying costs or (b) actual arms-length unconditional acquisition of the project site cost plus documented and reasonable carrying costs.

### F. Fees for Professional Assistance

All applications for special permits may, at the discretion of the Board or the Zoning Administrator, be submitted to professional consultants for independent review at the applicant's expense prior to the Board of Appeals' hearing on the application. As specified in "Costs," Section I-F, 3. of the Zoning By-Law of the Town of Hingham, the costs for which the applicant is responsible shall not exceed the reasonable and usual charges of said consultants or other experts for such services, nor shall they exceed the greater of \$10,000 or one percent of the total cost of the project.

Before the start of such review, and within ten (10) days following notice to the applicant that the application has been submitted for independent review, the applicant shall deposit with the Treasurer of the Town an appropriate portion of the anticipated review costs as determined by the Zoning Administrator as security for payment of such costs. These funds shall be deposited in a special account, according to the terms of M.G.L. ch.44, §53G. The Zoning Administrator will direct the Treasurer to expend such funds to pay for all reasonable professional services required to assist the Board in its determinations as to the adequacy of the application and its conformance with all applicable laws, by-laws and regulations as well as best engineering practice.

Additional funds shall be deposited in the account within ten (10) days of notice from the Zoning Administrator that the amount remaining on deposit is insufficient to cover further assistance required. The total costs of review shall not exceed the amount authorized by Section I-F, 3. of the Zoning By-Law, unless otherwise agreed. Once an applicant's project is completed or their application is denied, the unused portion of the fee is returned to them, plus interest if any.

The failure of the applicant to make the initial deposit and to maintain the account in accordance with this Section shall be grounds, in the Board's discretion, for continuance of the public hearing until such deposit and/or additional deposit is made and the professional review is completed.

In accordance with the terms of M.G.L. ch.44, §53G, administrative appeal from the selection of the consultant may be brought to the Hingham Board of Selectmen. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal.

#### G. Comprehensive Permit - Fees for Professional Assistance

In accordance with 760 CMR 56.05 (5) if warranted due to the size, scale or complexity of the proposed project, the Board determines that in order to review the application it requires technical review it will obtain the assistance of outside professional consultants. The Board may engage engineers, planners, urban designers, accountants, financial analysts or other appropriate professionals who can assist Town boards in analyzing a project.

The Board shall require applicants to pay the reasonable costs incurred for professional services. Funds received by the Board shall be deposited with the Treasurer of the Town in a separate account established for this purpose. Expenditures from this account will be made only for services rendered in connection with the subject project for a Town board reviewing the application. At the completion of the Board's review any excess amount in the account shall be returned to the applicant or the applicant's successor in interest upon the issuance of the Board's written decision or withdrawal of

the application.

If the account is depleted prior to completion of the technical review, the applicant will be required to supplement the account in an amount the Zoning Administrator feels is reasonably necessary to complete the review. The failure of the applicant to make the initial deposit and to maintain the account in accordance with this Section shall be grounds, in the Board's discretion, for denial of the Comprehensive Permit or continuance of the public hearing until such deposit and/or additional deposit is made and the professional review is completed.

In accordance with the terms of M.G.L. ch.44, §53G, and 760 CMR 56.05 (5) (d) administrative appeal from the selection of the consultant may be brought to the Hingham Board of Selectmen. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal.

H. Waiver of Requirements

Notwithstanding the foregoing, the Board and/or Zoning Administrator may waive any of the non-statutory provisions of this Article II, or may require additional information as seems necessary. Requests for waivers shall be made in writing at the time of filing.

I. Filing of Appeals

Every appeal shall be filed within thirty days from the date of the order or decision of the Building Official, Zoning Administrator or other official whose decision is being appealed.

### III. HEARINGS

#### A. Notice

All hearings shall be open to the public. Notice of each hearing shall be published in a newspaper of general circulation in the Town of Hingham once a week for two consecutive weeks. The first publication shall be not less than fourteen days before the day of the hearing. In addition, a copy of the notice shall be posted in a conspicuous place in the Town Office Building for a period of not less than fourteen days before the day of the hearing. A copy of the legal notice shall also be sent by mail, postage prepaid, to all "parties-in-interest". The notice shall contain the name of the appellant, petitioner, or applicant; a description of the area or premises, including the street address of the subject property, if any, or other adequate identification of the location thereof; the date, time and place of the public hearing; the subject matter of the hearing; and the nature of the action or relief requested, if any.

#### B. Representation and Absence

An appellant, petitioner, or applicant may appear in his own behalf or be represented by an agent or attorney. In the absence of any appearance on behalf of an appellant, petitioner, or applicant, the Board may decide the matter using the information submitted.

#### C. Order of Business

1. The Chairman will call the hearing to order and read the official notice thereof as published;
2. Fifteen minutes will be allowed for the appellant, petitioner, or applicant, or his representative, to present the case to the Board;
3. Representatives of Town Boards shall each be allowed five minutes to comment on the application;
4. Abutters to the property shall each be allowed five minutes to comment on the application;
5. Any other interested parties shall each be allowed five minutes to comment on the application;
6. Ten minutes will be allowed for the appellant, petitioner, or applicant, or his representative, to respond to matters raised by any opponents;
7. Members of the panel hearing the case may direct appropriate questions during the hearing.

The Chairman may extend or reduce any one or more of the above time limits.

D. Brief to the Board

It is recommended that every appeal, petition, or application be supported by a brief setting forth in detail all of the pertinent facts. This is particularly desirable in the case of a variance, when the following findings, based on the Zoning By-Law and M.G.L. ch.40A, § 10, must each be specifically made:

1. that circumstances relating to soil conditions, shape or topography especially affect the land or structure(s) in question, but do not affect generally the zoning district in which the land or structures are located;
2. that a literal enforcement of the provisions of the Zoning By-Law would involve substantial hardship, financial or otherwise;
3. that desirable relief may be granted without substantial detriment to the public good;
4. that relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law.

Briefs shall be submitted at the time of filing and, unless the Board determines otherwise, no brief shall be considered unless it is submitted at least one week prior to the hearing at which consideration is sought.

E. Withdrawal

An appeal, petition or application may be withdrawn without prejudice by notice in writing to the Board prior to the publication of the legal notice. After the notice of the hearing an application may be withdrawn without prejudice only by request in writing to the Board, and with the unanimous vote of the panel sitting in favor of such withdrawal. If the application is withdrawn after publication of the legal notice, the filing fee shall be forfeited.

F. Waiver of Requirements

Notwithstanding the foregoing, the Board may, in its sole discretion, in public session waive any of the non-statutory provisions of this Article III, or may require additional information as seems necessary.

## IV. DECISIONS

### A. Voting Requirement

A unanimous vote of the Board shall be necessary in the case of any favorable decision to grant requested relief under the Hingham Zoning By-Law. A majority vote of the Board is sufficient to grant a Comprehensive Permit under M.G.L. ch.40B §20-23.

### B. Form of Decision

All decisions shall be made in writing. The written decision shall contain the following:

1. The date the decision was rendered;
2. The name of the appellant, petitioner, or applicant;
3. The name and address of the owner, if different from the appellant, petitioner, or applicant;
4. The street address, or other identification, of the subject property;
5. The time, date and place of the public hearing;
6. A statement that the hearing was duly held;
7. Description of the relief or action sought;
8. A statement that the appeal, petition, or application is denied or granted, in whole or in part; and, if any relief is directed, or action permitted or required, a statement thereof, including any conditions imposed;
9. A statement of the basis for the decision, with specific reference to the applicable provisions of Chapters 40A or 40B of the General Laws and/or the Zoning By-Law.

In addition to the foregoing, the written decision may include a brief account of the testimony and evidence presented.

All decisions of the Board of Appeals shall be signed by at least one member of the panel which heard and voted on the application in question.

### C. Legal Record

Written decisions of the Board constitute the legal record of its proceedings.

D. Filing Requirements

The original copy of the decision, and all plans referenced therein, shall be filed forthwith with the Town Clerk. A copy of the decision shall be issued forthwith to the owner, appellant, petitioner or applicant, or his agent. A copy of the decision, and all plans referenced therein, shall be filed forthwith with the Planning Board.

E. Notice of Decision

A written notice of decision shall be mailed forthwith to the owner, appellant, petitioner, or applicant, to the parties in interest, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. The notice of decision shall be prepared on an approved form adopted for that purpose.

Each notice shall specify that appeals, if any, shall be made pursuant to M.G.L. ch.40A, §17 and must be filed within twenty days after the written decision is filed in the office of the Town Clerk.

F. Town Clerk Certification and Recording

After twenty days have elapsed from the date a decision is filed, an appellant, petitioner, or applicant may ask the Town Clerk to certify on a copy of the decision that no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied. Any relief granted shall not take effect until a certified copy of the decision, with plans if necessary, has been recorded in the Plymouth County Registry of Deeds, is indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title. It is the responsibility of the owner or the appellant, petitioner, or applicant to make and to pay the fee for such recording or registering. The Building Official shall not issue a building permit until proof of recording is presented.

G. Reapplication

No application which has been unfavorably acted upon by the Board of Appeals shall be acted upon within two years of the date of the decision unless the appellant, petitioner, or applicant submits new evidence which substantially alters the conditions of the appeal, petition, or application and requests consent from the Planning Board to reapply to the Board of Appeals. The Planning Board shall give notice to the parties in interest regarding the time and place of the proceedings when the question of such consent will be considered. If all but one member of the Planning Board grant consent, the appellant, petitioner, or applicant shall submit the new evidence and a new application to the Board of Appeals, which may rehear the matter, after proper notice, if it finds by unanimous vote of the members sitting that there are specific and material changes in the conditions upon which the previous unfavorable action was based. The changes shall be described in the record of the proceedings at which the findings are made.



## **V. POLICIES AND ADVICE**

### A. Advice

Any statement, advice, opinion or information given by the Board of Appeals or any member thereof, or any statement, opinion or information given by any other official or employee of the Town shall not be binding on the Board in the proper exercise of its discretionary powers under the Zoning By-Law.

### B. Informal Meetings

The Board of Appeals will not meet informally with applicants or their agents to give preliminary opinions or advice on applications which may be considered by the Board at a future time.

### C. Other

For other policies, regulations or procedures refer to the Zoning By-Law of the Town of Hingham as legally adopted and amended from time to time and to Chapters 40A and 40B of the General Laws.

## **VI. AMENDMENTS**

### A. Amendment, Revision or Repeal

The Rules and Regulations may be amended, revised, or repealed from time to time by a majority vote of the Board of Appeals at a posted meeting. Any amendment, revision, or repeal shall become effective upon filing in the office of the Town Clerk.

### B. Separability

If any section, paragraph, sentence, clause or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed valid and effective.

**EXHIBIT 1**

Instructions for Applicants	Form 1
Application for Hearing	Form 2
Requested Findings of Fact - Appeal	Form 2A
Requested Findings of Fact - Variance	Form 2B
Requested Findings of Fact - Special Permit A1	Form 2C
Requested Findings of Fact - Special Permit A2 Site Plan Review	Form 2D
Application Filing Fee	Exhibit 2

**EXHIBIT 2**

BOARD OF APPEALS

APPLICATION FILING FEE

Residential Variance.....	\$300.00
Commercial Variance.....	\$300.00 for the first 2000sq.ft./ \$100.00 for each additional 1000sq.ft. or portion thereof
Special Permits.....	\$300.00 for the first 2000sq.ft./ \$100.00 for each additional 1000sq.ft. or portion thereof
Applications requiring multiple permits...	100% of highest fee required by Board of Appeals in addition each additional permit 50% of required fee
Special Permit(s) and/or Variance(s) – Signs.....	\$300.00
Comprehensive Permit.....	\$250 per unit, in addition the applicant pays the cost of postage associated with abutter notifications and cost of the newspaper legal notice(s).
All Other Application(s).....	\$400.00