



Town of Marblehead Zoning Board of Appeals

Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945
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Important Time Periods & Legal Requirements*

The following time periods and legal requirements, established by State and Local Laws, govern the processing of your application.

1. **Advertisements:** The hearing on your application must be advertised in a local newspaper twice, once each week for two consecutive weeks, with the first one at least fourteen days prior to the hearing. **Advertisements are submitted to a local paper by the Engineering Department Clerk and are paid for by the Owner and/or Applicant.**

The advertisement must accurately describe the relief you are seeking. If for any reason it does not, the hearing cannot occur until there has been a proper advertisement. The advertisement is based on the information you have provided on your application so please make certain it is correct and complete.

2. **Abutter Notices:** Notice of the hearing is sent by the town to certain of your neighbors – all direct abutters and abutters to those properties within 300 feet of any part of your property. This also includes parties across the street from the location. If the abutting property is a condominium, the notice must be sent to each unit owner.

It is strongly recommended that all applicants meet with each of their neighbors and anyone else who may be affected by the proposed project before the hearing. Explain to them the proposal and moreover, provide them an opportunity to review the actual plans of the project. It is the practice of the Board to provide the public an opportunity to review a proposal to the extent necessary to enable them to determine whether to support the project or oppose it.

3. **Scheduling the Hearing.** With certain exceptions, the Board must commence a hearing on your application within 65 days of the filing of the application. The Board meets on the fourth Tuesday of the month**. In order to give each application proper attention, the Board prefers to schedule no more than seven new hearings each evening. During peak application periods, you may be asked to sign an agreement extending the 65-day period.

***This information guide is provided as a reference for commonly asked questions. Whenever an actual interpretation is required, the written laws, rules and regulations of the State and Town apply.**

****Subject to Change – Additional Meetings or cancellations can occur as the need arises**

4. Concluding Hearings. It is the practice of the Board to conclude hearings and vote on applications on the evening the applications are first heard. However, the Board is not legally required to do so, and on occasion hearings are continued to a later evening. The three most frequent causes for hearings to be continued are:

(a) plans submitted are incomplete or otherwise do not accurately depict the property as is or as proposed;

(b) public has not been provided an opportunity to review and comment on the proposal;

(c) proposal is unacceptable and requires substantial changes in order to be approved.

5. Filing of the Decision: The granting of your application is not the end of the process. One of the members of the Board will be assigned to write a decision, which must then be filed with the Town Clerk. The Board has 90 days from the day of the vote to write and file the decision. All Board members try to do so much sooner, and typically do, but it is not always possible. Each meeting Board members are reminded of the matters awaiting decision. Telephone calls to other Town officials or to Board members are not warranted. If you have the need for an expedited decision, please mention that need at the hearing.

The Board has no full time paid staff. Each member provides his or her own secretarial support, paper products, copying services and postage to accomplish this task. The decision must describe your property, the proposed work, and the relief you sought and obtained, including any conditions imposed on the approval. **EVEN THOUGH ALL THIS INFORMATION MAY BE SOMEWHERE IN THE APPLICATION OR ON THE DRAWINGS, OR MENTIONED DURING THE HEARING, YOU CAN HELP EXPEDITE THIS PROCESS BY PROVIDING A "SUMMARY SHEET" SETTING FORTH IN ONE PLACE ALL OF THIS INFORMATION.**

6. Appeal Period. The public and other town boards have twenty days from the day the decision is filed with the Town Clerk to appeal it to court. This time period must expire before you can proceed with any of the work approved by the Board. Upon expiration of the time period, the Town Clerk will provide you (on request) a document that must be recorded at the Registry of Deeds before the Building Department can issue a building permit.