

TOWN OF MARBLEHEAD - BOARD OF ZONING APPEALS
RULES AND REGULATIONS*

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<https://ecode360.com/10438269>
(Follow Link to Bylaws – Chapter 200, Zoning)

1.. THE APPLICATION PROCESS

(A) **APPLICATIONS:** Zoning and Sign Bylaw applications shall be on a form approved by the Board of Appeals and must be signed by the applicant or someone duly authorized in writing to act on his behalf. Property held by a nominee trust must identify the name of the trust and its trustee(s). [Wherever "he", "him" or "his" occurs, read also "she" or "her".]

(B) **APPLICATIONS** are processed through the Community Development and Planning Department at the Mary Alley Municipal Building, 7 Widger Road. The personnel at that office will schedule the date and time of the hearing and prepare the text of the required public notices and advertisements, or review the text which has been prepared by an attorney. The Community Development and Planning Department will submit the public notice to the Marblehead Current, or other local newspaper, and also notify abutters by mail. Public notices must be published for two consecutive weeks, with the first insertion to be not less than fourteen days before the date of the hearing. Please refer to MGL Chapter 40A, Section 11, for notification requirements. The applicant is responsible for paying for the required public notices submitted to the newspaper.

(C) **HISTORIC DISTRICT:** Proposed alterations or changes to existing buildings or proposed new construction on property located in the Historic District, which are visible from a way or street, must first receive a Certificate of Appropriateness from the Old & Historic District Commission under that Board's Public Hearing process. **This Certificate of Appropriateness must be available for review by the Board of Appeals at the hearing.** To determine whether or not the property is in the Historic District, please check with the Building Commissioner, or refer to the Geographic Information System (GIS) online at <https://www.axisgis.com/MarbleheadMA/?Splash=True>, Link to GIS, Marblehead GIS Database, Quick Maps-Historic District.

(D) **SHORELINE DISTRICT & HARBORFRONT DISTRICT:** Proposed alterations or changes to existing buildings or proposed new construction which exceeds 500 square feet of Gross Floor Area located in any of the Shoreline or Harborfront Districts will be required to apply for a Site Plan Review Hearing before the Planning Board. Such a project may also be subject to additional special rules. (For purposes of this section "building area" shall include the entire floor area within any new construction.) The applicant is referred to Chapter 200 of the Marblehead Zoning Bylaws Article III, 200-9.D. interpretation of zone district boundaries; Article VIII, 200-30D. (1) (d) Existing nonconformance; and Article IX, 200-37 a.(3) Site Plan Approval. View zoning districts online on the Geographic Information System (GIS) at <https://www.axisgis.com/MarbleheadMA/?Splash=True> - Link to GIS, Marblehead GIS Database, Quick Maps – Zoning or one may also contact the Building Commissioner for this information.

(E) **SITE PLAN REVIEW:** A property may also be subject to Site Plan Approval. Refer to Chapter 200, Zoning, Article IX, 200-37 of the Town of Marblehead Zoning Bylaws or one may also contact the Building Commissioner for this information. If it is determined that a Site Plan Review hearing is required, the Town Planner will schedule the public Site Plan Review hearing with the Planning Board and will assist with the process. After completion of the Site Plan Review process, the applicant obtains and presents a written Decision from the Planning Board to the Board of Appeals **before or at the hearing** of the Board of Appeals. **The Board of Appeals places on the applicant the responsibility of timely referral of the matter to the Planning Board. Any written Decision or Permit issued by the Planning Board must be available for review by the Board of Appeals at the hearing.**

(F) **CONSERVATION COMMISSION:** If the property is located within a Wetland area, it is likely to be subject to special rules. The applicant is referred to the Town of Marblehead Bylaws, Chapter 194, Wetlands Protection. Wetlands Bylaws are online at <https://marbleheadma.gov/> - Link to Bylaws, Chapter 194. This By-Law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act, G.L. Chapter 131, Section 40, and regulations there under. One may also contact the Community Development and Planning Department for assistance. If the property does lie in a wetland area, **before** appearing at the Board of Appeals, the applicant must first appear before the Conservation Commission under that Board's procedures. **Any permit issued by the Conservation Commission must be available for review by the Board of Appeals at the hearing.**

(G) **EXISTING VIOLATIONS:** Every application for a special permit or variance with respect to a property or a portion of a property, other than a single-family residence, must **provide sufficient information for the Building Commissioner to determine, if he or she shall see fit to make the determination, either** (1) there are no violations of the Zoning Bylaw, decisions of the Board of Appeals, decisions of the Planning Board and the Sign Bylaw (the "Laws") on the property, or (2) **that there exist** violations of **these** Laws. **The information may be provided on a separate sheet attached to the application. Whether or not the Building Commissioner shall exercise discretion to make the requested determination,** every application that describes a violation that cannot be cured by the relief sought in the application ("Non-Curable Violation") shall be incomplete. The Board of Appeals may deny such an application as incomplete, or, with the consent of the applicant, postpone or continue the hearing on the application until the violations set forth in the written report have been removed. The Board of Appeals urges applicants to avoid filing incomplete applications that will result in delay and additional expense, and encourages applicants to consult with the Building Commissioner and to remove Non-Curable Violations before filing an application for a special permit or variance. These Rules and Regulations do not impose any obligation not already incumbent upon the Building Commissioner by law, including any obligation to actually make the determinations requested by the Board in this Paragraph G.

2.FEES

For all applications, except signs, the fee shall be **\$75.00**. The fee for signs shall be **\$25.00**.

There shall be no fee if the applicant is the Town of Marblehead or any Department or Agency thereof. In certain cases, the Board may waive only the filing fee for the second application on a matter where the Board has determined the applicant should re-apply in a different form. The fee shall be paid by check payable to the Town of Marblehead and shall be delivered with the application.

When reviewing any application for a special permit, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project or use, or because of the project's uses or potential impacts. The Board may in such instances require the applicant to pay a "project review fee" consisting of the reasonable costs estimated to be incurred by the Board for the employment of consultants engaged by the Board to assist in the review of the project. The Board may engage consultants such as engineers, architects, planners, lawyers, urban designers or other appropriate professionals. The funds received with respect to a specific project, and any interest accruing thereon, may be expended only for services rendered in connection with that project and any excess at the completion of the review shall be refunded to the applicant. The failure of an applicant to pay a project review fee shall be grounds for denial of the special permit.

3.INFORMATION REQUIREMENTS

(A)**CURRENT PLOT PLANS:** All applications shall be accompanied by twelve (12) copies of a current plot plan signed by a registered professional land surveyor. A current plot plan means a plot plan that has been prepared for the purpose of the application. **Plot plans older than three months from the date of application will not be accepted.** This plan must show all existing and proposed structures including accessory-use structures, and must include exact dimensions for area, frontage, setback, side yard and rear line measurements for the existing and proposed structures. In general, certified plot plans prepared by using the tape-survey method will be accepted. **HOWEVER, SHOULD THE PROPOSED CONSTRUCTION INTRUDE INTO ANY REQUIRED FRONT, SIDE, OR REAR YARD SETBACK AREA TO A POINT THAT IS IN EXCESS OF 75% OF THE REQUIRED SETBACK AREA, THEN A CERTIFIED INSTRUMENT SURVEY MUST BE PROVIDED.** See Chapter 200, Zoning Bylaw, Table 2, Dimensional Regulations for Residential and Business Uses, for the required setbacks in the various zoning districts in the Town. **The plot plan must also show the computations for minimum open area percentage of the lot** (See Chapter 200, Zoning, Article II, 200-7. open area as defined, and Article V, 200-15.A&B. The Building Commissioner's Office can provide assistance in preparing these calculations.) **The plot plan must also indicate the location and dimensions for off-street parking, clearly showing and distinguishing current from proposed parking, if applicable.** The street number of the subject property, the Assessors' map and parcel numbers, **and both the location and linear distance from property lines of houses and other structures on abutting parcels shall also be shown.** Furthermore, **the plot plan must indicate the current zoning district or districts of the property.** If the property is governed by footnote 3 after Table 2, Dimensional Regulations, Chapter 200 of the Zoning Bylaw, the plot plan must show the location of the required 6 and/or 9 foot setbacks.

Also, any and all existing and proposed: Town releases and easements for drain, water and/or sewer pipes and electrical service; private and public right-of-ways and easements; and exterior tanks, containers and mechanical systems, must be shown and identified on all plot plans.

If the topography of the site will be changed (other than a change for which a permit of any kind has been issued), a topographical profile indicating changes is also required. If the application involves the subdivision of a parcel of land the provisions of Paragraph "E", below may apply.

(B)OTHER TOWN DEPARTMENTS: The applicant, his representative, or his registered land surveyor should review the deed to the property and should also check with the Town Engineer's office, the Water and Sewer Department, and the Electric Light Department to ascertain whether the subject lot has an easement or release (a release which may not show in the deed) for water, sewer, drains or other utility purposes. **If the subject lot is affected, the applicant shall obtain written permission from the appropriate town department and present it to the Board of Appeals at the hearing.**

(C)DESIGN PLANS: All applications shall include **twelve (12) sets of dated proposed interior and exterior plans, drawn to scale, with scale indicated, and showing all areas with new construction.** The interior plan should include each area of the building affected by new construction and include the entire floor plan for major additions. The drawings of the exterior must include all sides, or elevations, affected by new construction, and **must indicate all dimensions including height.*** Where there is an existing structure, the affected exterior elevation(s) must show the relationship of proposed changes to the existing structure. **This shall be done with separate before and after drawings which use the same scale.** Also, the interior and exterior elements of the plan shown should be noted such as bedroom, study, balcony, deck, etc. Exposed foundations should also be depicted in the elevations. For a project that fits the definition of "Building, New," ** in the Marblehead Zoning Bylaw, there must be **twelve (12) full sets of dated proposed interior plans and exterior elevations,** which meet the previously specified requirements of being drawn to scale with scale given, elements noted, and dimensions indicated. Particular focus on existing and finished grade will be needed to accurately calculate building height.

* Definition in part – "Height of Building": Building height shall be measured from the highest point of any roof or parapet to the lowest point of the original grade or the lowest point of the finished grade of the ground adjoining the building, whichever makes the building height greater (Bylaw Chapter 200, Article II, 200-7.)

**Definition in part: "Building, New" - A building which did not exist immediately prior to commencement of construction, as well as the reconstruction, alteration, or repair of an existing building involving both fifty (50) percent or more of new exterior walls (cladding excluded) and the replacement by fifty (50) percent or more of the structural elements of that building. (Bylaw Chapter 200, Article II, 200-7.)

ALL APPLICATIONS SHALL INCLUDE A WRITTEN DESCRIPTION OF ALL DEMOLITION WHICH WILL TAKE PLACE SHOULD THE APPLICATION BE APPROVED.

All drawings should accurately and to-scale depict exterior doors, windows, Velux-type roof windows, porches, decks, balconies, chimneys, vent pipes, bulkheads, and other types of entries to basements and cellars. The elevation drawings should describe the cladding, or finish materials, of both the existing and proposed structures, such as wood clapboard, wood shingles, vinyl siding, etc. **The drawings must be in sufficient detail so that the Building Commissioner or Inspector can determine that the finished construction is in accordance with the plan stamped and approved by the Board of Appeals.**

In the case of modifications to existing structures, projected changes that the applicant believes are a matter-of-right should also be included in the proposed drawings but can be so marked/shaded, etc. Licensed architect's drawings are not required in every case; However, the Board may require drawings by a licensed architect, professional engineer, designer, or contractor, where substantial changes are contemplated. **Photographs are often helpful.**

Once an application has been advertised for its public hearing, the submitted plan shall not be exchanged, altered, or revised in any way, except to the extent that the Board of Appeals may initiate, or the Board at the applicant's request may allow during a public hearing.

If an applicant is requesting the Board's approval of the continued existence of any structure(s), an as-built plan is required.

D)OTHER REQUIRED INFORMATION: An applicant who holds any relevant permits previously issued, must have the permit(s) available for review by the Board of Appeals at the hearing. (Such Permits would include any issued by the Planning Board, Old and Historic Districts Commission, and/or Conservation Commission with respect to the actual application.) During the course of a hearing, the Board may determine that it needs to be provided with additional information, in which case the hearing will be continued to a later date with no prejudice to the applicant.

(E)LOT SUBDIVISION: Whenever an application involves the subdivision of a parcel of land into two or more lots, any of which would be non-conforming and/or the original lot is made more non-conforming as to size, shape and/or dimension, the required plot plan must show any future construction; and design plans must also be submitted (at the time of application) regardless of the anticipated time of construction.

(F)SIGN PERMITS: Applicants shall comply with the Sign Bylaw regarding material to be presented. Also, for free-standing signs not attached to a building, a current plot plan is required, indicating the location of the proposed sign. Otherwise, the use of an assessors' map and photographs indicating sign location will suffice.

(G)IMPACT OF STATE AND/OR FEDERAL LAWS: Any applicant claiming that the Board is required to vary the application of either the use or the dimensional requirements of the Bylaw by one or more State or Federal statute or regulation, including but not limited to:

- (a) General Laws Chapter 40A, Sec 3 with respect to certain religious and educational uses
- (b) General Laws Chapter 40A, Sec 3 with respect to disabled persons
- (c) General Laws Chapter 19D
- (d) Fair Housing Act, 42 U.S.C. Sec 3601 et seq.
- (e) Americans with Disabilities Act, 42 U.S.C. Sec 12101 et seq.
- (f) Federal Telecommunications Act of 1996, 47 U.S.C. Sec 332 et seq.

shall provide to the Board at least two (2) weeks prior to the scheduled hearing a copy of each such statute and regulation and a memorandum setting forth (i) the basis upon which the applicant believes each such statute is relevant to the application and (ii) the relief the applicant believes the Board is required by each such statute to grant to the applicant. In the event the applicant is entitled to relief, only the Board may grant relief and vary the application of the Bylaw.

(H) OTHER WRITTEN MATERIALS: All other optional written materials in support of an application shall be provided to the Board at least two (2) weeks in advance of the first scheduled hearing date. Twelve (12) copies of such material should be provided for distribution to members of the Board along with other hearing information.

(I) FAST FOOD AND RESTAURANT APPLICATIONS: Additionally, these must include in both the application and the advertisement, the proposed hours of operation (closing and opening) and both the current and the proposed seating number if applicable. If any seating is outside the premises, that must also be mentioned. Generally, the type of food operation (pizza, seafood, Chinese, etc.) should be described in both the application and the advertisement. The applicant will be required to provide the Board with detailed plans and specifications of all cooking equipment, ventilation and odor-control systems, and the decibel levels for any externally installed machinery. These requirements do not supplant other application and advertisement requirements.

4. CONDUCT OF HEARINGS

In accordance with the provision of Chapter 40A, the Board of Appeals shall hold a public hearing with respect to any applications submitted to it. The applicant and all other persons entitled thereto shall receive notice of such a hearing. At the hearing, the applicant shall first present his proposal. (In most cases, the applicant represents himself and presents his own proposal. However, it is equally appropriate to retain counsel or to have the presentation made by an architect, contractor, or anyone else the applicant designates.) Proponents are then invited to speak. Opponents are then invited to speak. All remarks shall be addressed to the Chairman. The Chairman may give the applicant time for rebuttal or further explanation. Every person appearing before the Board shall be required to state his name, address, and the name and address of the party whom he represents at the hearing. If the person is appearing in a professional capacity, that should be stated. Any Member of the Board may question any person present at a hearing that has or may have knowledge of any matter relating to the hearing.

After a vote to close the hearing, requiring three affirmative votes, the Chairman may permit open discussion among the Members. The Board may consider conditions for the granting of a Special Permit or Variance, which can be imposed by a majority vote on the granting of an application. The Board may then take the matter under advisement, proceed to vote on the merits, continue the hearing, or allow the applicant to withdraw his application without prejudice. The Chairman shall poll each Member present and the Clerk shall record the vote of each Member in the minutes. All votes shall be taken in public. Four affirmative votes are required to grant a Special Permit, which authorizes the applicant to proceed with his plans. In the case where the applicant or his representative does not appear for his first scheduled hearing or for a continuance from a previous hearing, the Board may either vote on the application or continue the hearing. The continuance date will be announced at the hearing, and the applicant will be notified by mail of the date and time of the continuance. If the applicant or his representative does not appear at the continued hearing, the Board will vote to either approve or deny the application.

5.DECISION OF THE BOARD

All decisions of the Board of Appeals shall be in writing, shall be filed by the Board with the Town Clerk and the Planning Board, and notice of the decision shall be sent to all persons entitled thereto. By state law, there is a twenty-day legal appeal period to any Board of Appeals decision. Upon the expiration of the appeal period, the applicant needs to obtain from the Town Clerk a certified copy of the written decision and must thereafter record it at the Essex County Registry of Deeds in Salem. **Building permits will not be issued until the Building Commissioner has received from the applicant proof from the Registry of Deeds in Salem that the decision has been recorded.**

6.APPEALS OF BOARD DECISIONS

Any person aggrieved by a decision of the Board of Appeals may appeal to the Superior Court or to the Land Court by bringing an action within twenty days after the decision of the Board has been filed with the Town Clerk.

7.APPEALS OF BUILDING COMMISSIONER'S ACTIONS OR INACTIONS

Any person believing himself to be aggrieved by an action or inaction by the Building Commissioner in the administration of the Zoning Bylaw may write to the Building Commissioner requesting a review and justification for his determination. The Building Commissioner is required to respond in writing to the complainant within fourteen days of the receipt of the complainant's letter. **If the complainant is not satisfied with the Building Commissioner's response, the complainant may appeal to the Board of Appeals by filing a written notice of such appeal including reason(s) for the appeal with the Town Clerk within thirty days of receiving the Building Commissioner's response. (See Chapter 200, Zoning, Article I, Section 200.2.I of the Zoning ByLaw.)** In order to initiate the Appeal process the complainant must follow the requirements of this document. Personnel at the Community Development and Planning Office shall schedule the hearing date of the Appeal. The complainant shall be responsible for both the costs of the public advertising and the appropriate application fee for the Appeal.

8. COMPREHENSIVE PERMITS RULES

(a) Purpose and Context: This Rule establishes the procedures for applications for comprehensive permits under M.G.L. c. 40B, §§ 20-23, (Chapter 774 of the Acts of 1969 - also known as “Anti-Snob Zoning Act”). The Rule shall be interpreted and implemented in a manner consistent with the complete regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00 and with the Guidelines for Local Review of Comprehensive Permits, published periodically by the Department of Housing and Community Development.

The Board's other Rules and Regulations apply to comprehensive permit applications, provided that in case of any inconsistency or conflict between the other Rules and Regulations and this Rule, this Rule shall govern. Please contact the Building Commissioner for additional information and to receive the additional rules and regulations supplement with regard to this permit application. This information can also be found online at <https://marbleheadma.gov/> – Boards, Commissions and Officials – Zoning Board of Appeals – Zoning Rules and Regulations – 40B Additional Rules

9. ADMINISTRATIVE HEARINGS AND DECISIONS

Each Special Permit granted requires that **construction be in strict accordance with the design plans** submitted and approved for the Special Permit. If, after the granting of a Special Permit, the applicant wishes to make minor changes in that construction project, the applicant can schedule an Administrative Hearing before the Board. The time and date and placement on the agenda are arranged through the Office of the Town Engineer, Mary Alley Building, 7 Widger Road. **To be scheduled for an administrative hearing, the applicant must submit twelve copies of a list of the proposed changes, twelve copies of the revised building plans with the changes appropriately marked and twelve copies of the relevant original decision of the Board of Appeals. If there is a change to the perimeter of the structure, twelve copies of an updated plot plan must also be submitted.**

The applicant must make the request for said administrative hearing at least fourteen calendar days before the date of the requested hearing. Administrative hearings do not require a fee or public advertisement, and thus are limited to cosmetic or non-material changes to the originally approved design. (If the property is in a Historic District, that Board will have to review the changes before the applicant returns with written approval to the Board of Appeals.) At the hearing, the Board of Appeals will decide whether the proposed design can be handled as an Administrative Decision, or whether a new publicly advertised hearing is needed. This determination rests solely with the Board on a case-by-case basis. Changes-in-use to a previously issued Special Permit cannot be addressed by an Administrative Hearing.

If the applicant (or his representative) for an administrative hearing does not appear at the designated time and date to explain the matter to the Board, no action will be taken. The applicant may reschedule. **The Board strongly suggests that the applicant inform abutters of the proposed administrative change(s) in advance of an administrative hearing.**

10. EXTENSIONS OF SPECIAL PERMITS

After a special permit is granted by the Board of Appeals, the approved construction must start, or commence, within twelve months of the Board's written decision having been filed with the Town Clerk. If the applicant has good cause for not being able to start construction within this period, he may apply only to the Board of Appeals for an Extension of the Special Permit for a period not to exceed six months. The applicant shall schedule an appearance before the Board of Appeals with the Engineering Department. **To be scheduled for an extension hearing, the applicant must submit twelve copies of the request for an extension and twelve copies of the relevant original decision of the Board of Appeals.** There is no application fee, but notice of the request shall be advertised at the applicant's expense.

Also, not less than 10 days prior to the scheduled appearance, **the applicant shall mail to all persons who received notice of the original hearing a letter stating that the application for Extension has been made and the date and time of the scheduled appearance.** The applicant shall provide to the Board of Appeals proof that he has complied with such requirements together with copy of the notice. Any Extension granted shall commence twelve months from the effective date of the original Special Permit (the date the written Decision was filed with the Town Clerk).

APPLICATION FOR THE EXTENSION MUST BE MADE PRIOR TO THE EXPIRATION DATE OF SAID SPECIAL PERMIT. ONLY THE BOARD OF APPEALS CAN GRANT AN EXTENSION OF A SPECIAL PERMIT AT A SCHEDULED, ADVERTISED AND NOTICED HEARING.

Note that "Site Preparation" is not "construction, start or commencement of" see the following definitions per the Zoning Bylaw, Chapter 200, Article II, 200-7. Meaning of Words):

Definition in part - "Construction, start or commencement of" – Construction commences after the completion of site preparation with either the excavation for a foundation or the permanent affixing and integrating to the site or existing building of a load bearing component of the building, specifically the foundation in the manner in which it will be integrated into the final structure. A component is not permanently affixed and integrated if it is subsequently removed. (see definition of "site preparation")

Definition in part - "Site Preparation" – Preparation for construction which includes, but is not limited to, the following: Surveying and related staking of the site; removal and moving of standing buildings and leveling of the consequent debris; cleaning and removal of brush, trees, and general debris; grading of site and the moving, removal and delivery of earth related to grading; scraping of earth to expose ledge; the blasting of ledge and removal of resultant debris. (See definition of "construction, start or commencement of")

11. OPEN MEETING LAW COMPLIANCE

(a)Authority. Pursuant to the Open Meeting Law, G.L. c. 30A, §§ 18-25, all Materials submitted to and/or used by the Board at a meeting, hearing or executive session shall be retained by it as part of the official record thereof.

So as to satisfy its obligation under the Law, the Board hereby adopts the following rules pertaining to the submittal of information to it, regardless of the type of application being made or the relief sought.

(b)Materials Defined. As used herein, the term “Materials” shall include all documents and other exhibits, including but not limited to plans, reports, drawings, photographs, recordings, maps or models, submitted to and/or used by the Board, in any format whatsoever, whether provided as part of a formal application to the Board, informally prior to or during a public meeting or otherwise. Included as Materials are e-mail communications with the Board and/or its staff, electronic submittals to the Board and Powerpoint or similar presentations made to the Board.

(c)Requirements. Whenever the submittal of Materials is required under these Rules and Regulations or is otherwise made by an applicant hereunder, the following rules shall apply:

(i)Copies of all Materials shall be provided to the Board for inclusion in the official record.

(ii)Full-size plans and other Materials larger than 11-inches-by-17-inches (11” x 17”) shall be accompanied by a reduced-size version of the same, no larger than 11-inches-by-17-inches (11” x 17”), as aforesaid.

(iii)All Materials submitted, presented or utilized in electronic format shall also be provided in hard copy, subject to the foregoing provision as to size.

(iv)Where, due to the nature of the Material(s) used, submittal of the same is infeasible (e.g. models, specimens), a photograph or other representation of the same shall be submitted to the Board.

(d)Enforcement. The Board shall not be required to act on any application or request for relief until the applicant has satisfied the above provisions governing Open Meeting Law compliance.

12. MISCELLANEOUS

Any rule of the Board, except as is governed by law, statute, or Bylaw, may be suspended in a particular case by a majority vote at any meeting of the Board.

These Rules, or any one of them, may be altered, amended, or repealed by a majority vote at a meeting of the Board after six days' written notice of the proposed amendment to the Members. Member(s) of the Board may waive such notice in writing.

**View Bylaws & Geographic Information System (GIS) online at:
<https://marbleheadma.gov/>
(Follow Link to Bylaws – Chapter 200, Zoning, or Follow Link to GIS)**

**Zoning Bylaws can be purchased at 7 Widger Road
at the Community Development and Planning Department Office**

**Issued by the Marblehead Board of Zoning Appeals
Replaces Rules and Regulations dated 4/16/2008**

***The Rules and Regulations are provided to assist the applicant with the Hearing process and procedures. In the event of a conflict between these Rules and Regulations and any law of the Commonwealth or the Town, the laws of the Commonwealth and the Town shall prevail.**