



Town of Marblehead Zoning Board of Appeals

Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945
Telephone: 781-631-1529
Fax: 781-631-2617

INSTRUCTIONS FOR THE RECORDING OF YOUR DECISION

The Board has just granted you either a Special Permit, or a Variance, or both. There are certain steps that must occur before you may obtain a building permit and proceed with the work authorized by the Board's decision.

The Written Decision: One of the Board members has been assigned to write the decision. The written decision contains a description of the work approved, a summary of the evidence presented during the hearing, the vote of the Board and any conditions imposed on the approval. With respect to a Special Permit, the Board member has, by law, 90 days from the date of the vote to file the written decision with the Town Clerk. With respect to a Variance, the member has 100 days from the date the application was filed. All members try to complete the written decision as soon as their other obligations allow. Remember, Board members are unpaid volunteers and the Town does not provide any staff, services or supplies to assist in the writing of the decisions. Please be patient. All inquiries should be directed to the Community Development and Planning Department, 781-631-1529. When a decision has been filed with the Town Clerk, a notice is promptly mailed to those parties deemed of interest per M.G.L. 40A Sec. 11.

The Appeal/Waiting Period: Pursuant to MGL Ch 40A Sec.17, any person aggrieved by a decision of the Board of Appeals may appeal to Superior Court or to Land Court by bringing an action within twenty days after the decision of the Board has been filed with the Town Clerk. If the Town Clerk has not been advised that there has been a court action taken within those twenty days, the Town Clerk will endorse the written decision on the twenty-first day. The endorsed decision is available at the Town Clerk's office at Abbot Hall for you to obtain and then record at the Registry of Deeds.

Recording the Decision: The endorsed decision must be taken to the Southern Essex Registry of Deeds, Shetland Park, 45 Congress St., Salem, MA 01970 to record it against the title to the property to which it applies. Remember to obtain a copy of the recorded decision for delivery to the Town. Please note recording fees and copy fees will apply per the Registry of Deeds.

Recorded Decision to the Town: A copy of the recorded decision must be delivered to the Community Development and Planning Department. A Building Permit will not be issued for the approved work until the decision is recorded.

Conditions: All work done pursuant to an approval must be done in strict conformity with the plans as provided to and approved by the Board of Appeals. There may also be additional conditions imposed by the Board. Please understand them and make sure your contractors(s) do as well. The Applicant is ultimately responsible for compliance.

Time Limit: The construction or use authorized by the Special Permit and/or Variance must start within one year of the date the decision was filed with the Town Clerk. A sixth month extension may be granted for good cause shown, but the extension must be made at least thirty days before the one year period expires.