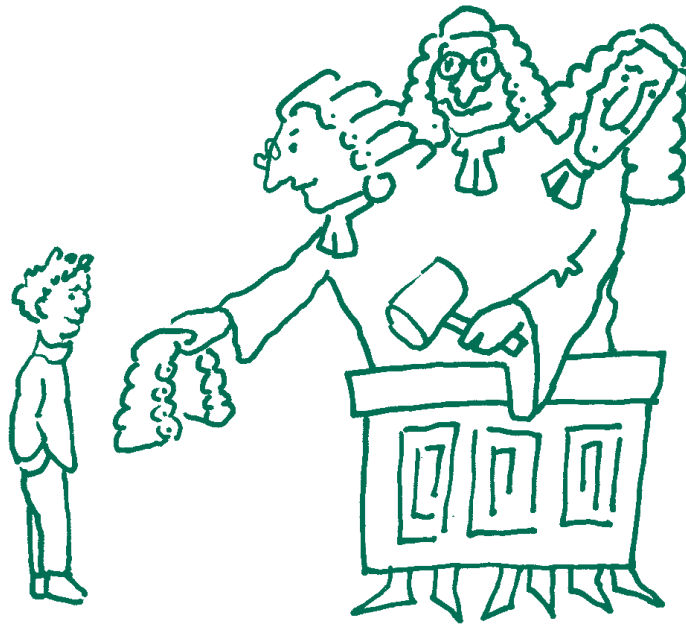

So... you're joining The Zoning Board of Appeals!



© Marah Loff 2001

As a member of your ZBA you can look forward to a rich and challenging experience! To help you get started here is a concise job description of a typical Zoning Board of Appeals (ZBA) member in Massachusetts.

Being an effective ZBA member requires a willingness to get involved in your community, to become informed, and to use common sense, fairness and objectivity towards all that appears before you. You must try to balance the public good with private rights and interests.

Being a local official and a member of your town/city government

All local officials are subject to certain rules of conduct:

- Avoid or make public any potential conflict of interest; don't pursue special privileges; maintain confidentiality, and let your behavior contribute to a smooth operation of your board. This can avoid much acrimony.
- Become familiar with the law that covers public open meetings and hearings, and review the materials you were given when you were sworn in.

Since so much of your time is spent in meetings, you can help them run efficiently by following clear rules and agreements.

You will become conversant in zoning and planning lingo: new terms, acronyms, and legal citations such as RPA, SPGA, DHCD, ANR or Chapter 40A will be rolling off your tongue. (Never be afraid to ask for explanations of terms you do not understand.)

You will help establish and maintain lines of communication and cooperation among all boards. Overlapping and sometimes contradictory mandates and authorities of various town boards can cause confusion. Good communication will help your government function smoothly and achieve better planning.

You will learn to write legally binding decisions; these may be challenged in court or written up in the local paper.

You will want to attend training sessions offered by a variety of players in your region to learn all about your job and keep up with new procedural developments.



Don't pursue special privileges



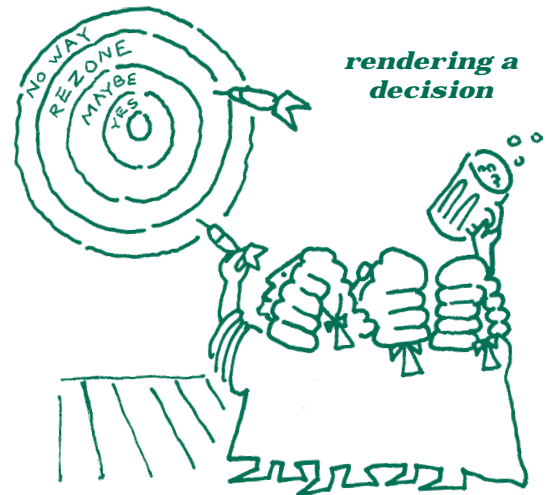
You'll learn to write legally binding decisions

Zoning Board members spend much of their time in meetings



Granting Special Permits

Applicants who want to develop their land for residential, commercial or other purposes submit requests for special permits to the ZBA. Applicants may also submit requests for modifications to or renewals of existing special permits. The procedures for reviewing and approving or disapproving such plans are spelled out in state statutes such as the State Zoning Act, and your own local bylaws or ordinances. You must ensure that plans and your process are in compliance, and you must not be willful or capricious in rendering a decision. ZBA members do not have the kind of discretion that residents often think they have to approve or deny a specific project.



Granting Variances

The ZBA will review requests for variances submitted to the Board by applicants who want an exemption to the local zoning bylaw in order to use their land in a particular way. The criteria for granting a variance are quite precise and must be met in order for a variance to be granted and withstand appeal.

Hearing Appeals

The ZBA may be asked to review requests submitted to the board by residents or business owners who are aggrieved by a decision of the building commissioner/inspector.

Reviewing Comprehensive Permits

The ZBA reviews requests for comprehensive permits submitted to the board under Chapter 40B by developers who wish to create affordable housing. These requests can, by law, circumvent local zoning ordinances.

Administering the Board

The Zoning Board has certain organizational tasks: Boards elect their own officers, set rules and procedures, and may hire consultants. Clearly spelled out rules and procedures will save your Board from many disagreements. You may work with and supervise your staff.

Zoning boards should coordinate regularly with other local officials, especially the Building Inspector/Commissioner, Planning Board, Conservation Commission, Design Review Board, Engineering Department and other relevant bodies and individuals who may have important input about a particular project.

Your Board may need to prepare a budget and defend it before the Finance Committee or Town/City manager. Often the ZBA budget is part of the planning department budget.



