## Basis for an Appeal

An appeal to the permit granting authority as the zoning ordinance or by-law may provide, may be taken by any person aggrieved by the inability to obtain a permit or enforcement action from an administrative officer, by the planning board or by any person including an officer or board of the City or town, or of an abutting city or town aggrieved by an order or decision of the Inspector of buildings or other administrative official.

**Powers of the Board of Appeals:**
The board of appeals shall have the following powers:

1) To hear and decide appeals in accordance with MGL 40A.§8 (Basis for an Appeal).
2) To hear and decide applications for Special Permits upon which the board is empowered to act under said ordinance or by-laws.
3) To hear and decide petitions for variances as set forth in MGL 40A,§10 Variances.
4) To hear and decide appeals from decisions of a zoning administrator, if any, in accordance with MGL 40A§13.

**Authority of Board:**
In exercising the powers granted by this section, a board of appeals may, in conformity with the provisions of this chapter, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

**Procedure to apply for an appeal:**
To appeal a Zoning Administrator's decision:
Any appeal to a board of appeals from the order or decision of a zoning administrator shall be taken within thirty days of the date of such order or decision, or within thirty days from the date on which the appeal application or petition in question shall have been deemed denied.

**Application for a Special Permit or Variance:**
Such application shall be filed by the petitioner with the city or town clerk and a copy forwarded on to the Special Permit Granting authority. The board of appeals shall hold a hearing on the appeal, application or petition within sixty-five days from the receipt of notice by the board of such appeal, application or petition. The Special permit granting authority shall hold a public hearing for which notice has been given to **parties of interest** not less than fourteen (14) days prior to the day of the hearing.

In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid, not less than 14 days prior to date of hearing.

Posting of said notice in a conspicuous place in the city or town hall to be not less than fourteen days prior to hearing.

**Parties in interest** shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, not withstanding that the land of any such owner is located in another city or town. The Assessors office shall certify, upon request of the applicant, to the permit granting authority, the names and addressed of parties in interest and such certification shall be conclusive for all purposes.

All hearings of the board of appeals shall be open to the public . The decision of the board shall be made within one hundred days after the date of the filing of an appeal, application or petition, except in the case of Special Permits where decisions shall be made within ninety days.
The decision of the board shall be filed within fourteen days with the office of the town clerk and notice of the decision shall be mailed forthwith to the petitioner, applicant, or appellant, to the parties of interest and to every person present at the hearing who requests that notice be sent to him/her.

Each decision / notice shall specify that appeals if any shall be made pursuant to MGL 40A.§17 and should be filed within twenty days after the date of filing of such decision / notice with the office of the town clerk.

After twenty days have passed and no appeal to the decision has been filed with the Town of Sutton clerk's office, the decision is recorded in the Registry of Deeds. No variance or Special Permit takes effect until recorded in the Registry of Deeds.

If the rights authorized by a variance are not exercised within one year of the date of the granting, such rights shall lapse. However, the board in its discretion and upon written application prior to expiration of the one year period, may grant an extension of six months.

Ordinance and by-law shall provide that Special Permits shall lapse within two years unless substantial use or construction has commenced.