



**Appeal of Decision of the Building Commissioner**

To the Board of Appeals of the Town of Sandwich,  
The undersigned herewith submits an application and requests a hearing before the Board of Appeals for an Application for Appeal of the Decision of the Building Commissioner under MGL Chapter 40A, Section 8 for the purpose of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subject Property Map # \_\_\_\_\_, Parcel # \_\_\_\_\_. (Found on tax bill) Zoning District: \_\_\_\_\_

Registry of Deeds title reference: Book \_\_\_\_\_, Page \_\_\_\_\_, or Certificate of Title Number \_\_\_\_\_ & Land Court Lot # \_\_\_\_\_ & Plan # \_\_\_\_\_.  
(Call Barnstable County Registry at (508) 362-7733).

Property Street Address: \_\_\_\_\_

Lot area of subject property (Found on tax bill): \_\_\_\_\_

Frontage dimension of subject property (Call Assessor's Office at (508) 888-0157):  
\_\_\_\_\_

Date subject lot was created in its present form (Call Barnstable County Registry at (508) 362-7733): \_\_\_\_\_

Property Owner (s): \_\_\_\_\_

Owner's Permanent Address: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Signature of Property Owner(s): \_\_\_\_\_

Applicant: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Signature of Authorized Agent: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Please read packet before submitting application.**

**Submission Requirements for Appeal of the Decision of the Building Commissioner Applications**

**(10) copies of the following:**

- Completed & signed application form.

**(Two copies of this form must be stamped in by the Town Clerk's office prior to submission. One copy stays with the Town Clerk. The original is filed with the Board of Appeals Application)**

- Written and signed letter of denial from the Building Commissioner.
- If applicable to the matter appealed – a site plan prepared to a scale of 1" = 40' minimum, by a Massachusetts Registered Architect, Landscape Architect, Civil Engineer or Land Surveyor, illustrating the shape and location of the proposed building(s) and proposed addition(s).
- A written narrative describing the reasons for appeal and the specific point(s) of disagreement with the Building Commissioner's decision.

**Abutters Notice**

The laws governing an Appeal of the Decision of the Building Commissioner specify that "parties in interest" (also referred to as **abutters**) are entitled to receive **notice of the public hearing** for an Appeal of the Decision of the Building Commissioner application and the **decision** on that application. The statute defines "parties in interest" as the person requesting the appeal of the decision of the building commissioner for the property that is the subject of the appeal of the decision of the building commissioner application; abutters, that is all property owners whose property directly abuts the property that is the subject of the appeal of the decision of the building commissioner application; owners of land directly opposite on any street; abutters to abutters within three hundred feet of the property line of the petitioner and the Planning Boards of all abutting towns be sent notice as well. For Sandwich the abutting towns are Bourne, Barnstable, Falmouth and Mashpee. The Assessing department is familiar with these requirements.

The list of abutters must be certified by the Assessing Department. The Assessing Department is required to certify these lists in ten (10) days from the date they are received at the Assessing Department. The Assessing Department processes abutter's list certification requests in the order in which they are received. The Assessing Department will contact the person requesting certification when the list has been certified or if there are errors that require a revised abutter's certification request to be submitted to the Assessing Department. There is a fee for certifying abutter's lists. The phone number for the Assessing Department is 508-888-0157. You may also view instructions on the Town website at [www.sandwichmass.org](http://www.sandwichmass.org). Click on the Maps tab.

The original copy of the abutter's list certified by the Assessing Department must be submitted with the Appeal of the Decision of the Building Commissioner application materials. The certified abutter's list is then used by the applicant **to address the**

**envelopes necessary for the required abutter's notice** for the public hearing and for the decision.

***Addresses for the Planning Boards of the four abutting towns:***

Town of Bourne	Planning Board	24 Perry Avenue, Buzzards Bay, MA 02532
Town of Barnstable	Planning Board	200 Main Street, Hyannis, MA 02601
Town of Falmouth	Planning Board	59 Town Hall Square, Falmouth, MA 02540
Town of Mashpee	Planning Board	16 Great Neck Road North, Mashpee, MA 02649

**Public Hearing Notice – 1<sup>st</sup> Mailing**

The public hearing notice is mailed to each abutter and the four abutting towns **by certified mail with return receipt requested. Remember to include an envelope for the applicant and/or property owners(s). Please be sure that the envelopes are complete with the following information:**

- a. Each envelope must be legibly addressed; the return address must also be placed on the upper left hand corner of the envelope:  
    Planning & Development Office  
    16 Jan Sebastian Drive,  
    Sandwich MA 02563;
- b. Each envelope must have enough postage on it to mail one sheet of paper by certified mail return receipt requested;
- c. Each envelope must have the certified mail slips filled out;
- d. Each envelope must have the return receipt cards completely filled out. On the return receipt cards:
  1. The addressee is the person or organization to whom the public hearing notice is being sent.
  2. The service type is Certified Mail.
  3. The article number is the number on the Certified Mail slip.
  4. The return receipt cards must show the sender's address as:  
    Planning & Development Office  
    16 Jan Sebastian Drive  
    Sandwich, MA 02563;
- e. Place certified slip and green return receipt card inside each envelope and submit along with your completed application.

**Decision -2<sup>nd</sup> Mailing**

After the Board makes their decision, the law requires that this decision must also be noticed to the abutters and the Planning Boards of the four abutting towns by regular first class mail. However, the applicant and property owner(s) must be notified by **Certified Return Receipt** (please see the above "Public Hearing Notice" section for these envelope procedures).

For the **decision** envelopes:

- a. Each envelope must be legibly addressed to the abutter or abutting town's Planning Board; the return address placed on the upper left hand corner of the envelope is:  
Planning & Development Office  
16 Jan Sebastian Drive  
Sandwich MA 02563;
- b. Each envelope must have a first class stamp affixed to it.
- c. Submit these envelopes along with your completed application.

The Planning & Development Office will mail the public hearing notices and the decisions to the abutters, Towns, applicant and/or property owner(s).

If you are being represented by an attorney/consultant, make sure you include envelopes for both the public hearing notice & decision to be mailed to your attorney/consultant as well.

### **Advertising**

The laws governing an Appeal of the Decision of the Building Commissioner require that a public hearing be advertised in a newspaper of general circulation. The advertisement must appear two times with the first time being not less than fourteen (14) days before the public hearing. The advertisement must state the nature of the applicant's request, along with the date, time and place where the public hearing is to be held.

The applicant is responsible for the cost of the required advertising. The Town of Sandwich has contracted with Falmouth Publishing for the advertisement of public hearing notices. Falmouth Publishing publishes the Sandwich Enterprise once a week on Fridays. A check made out to **Falmouth Publishing Co., Inc.** (please refer to Fee Schedule for amount) is required at the time of application submittal.

### **Next Steps**

After the close of the public hearing the law gives the board 100 days from the date the application is stamped in by the Town Clerk to file their decision. The Town Clerk will stamp the date the decision is filed on the original copy of the decision. If the Building Commissioner's Decision is overturned by the Board of Appeals, the law requires that a 20 day appeal period must elapse from the date of that Town Clerk stamp before the decision is final. On the 21<sup>st</sup> day you may obtain a copy of the decision from the Town Clerk, which will bear a notice that no appeals have been filed. The decision is then eligible to be recorded at the Registry of Deeds. (*Mandatory condition of all special permits and variance grants.*)

Please contact the Town Clerk's Office at 508-888-0340 for further information regarding the appeal period and the time that your decision will be ready for you. A copy of the recorded Appeal of the Decision of the Building Commissioner must be provided to the Board of Appeals.

If you have any questions, please contact the Planning & Development Office at (508) 833-8001 or e-mail us at [planning@sandwichmass.org](mailto:planning@sandwichmass.org).