

 IN PERSON

Approaching the Local Zoning Board



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If you've got a question about zoning laws in Massachusetts or what to do before appearing in front of a local zoning board, Barry Crimmins is your man.

Having grown up in a real estate family, Crimmins has spent nearly 40 years working in the industry, 32 of them practicing law in the field. After graduating from law school in 1986, Crimmins joined his father Francis' 50-year-old real estate agency, Crimmins Real Estate in Stoughton. After his family's office closed in 1992, Crimmins formed his first law firm with two other attorneys, taking over two years later and changing the name to The Law Offices of Barry R. Crimmins.

Crimmins also has experience from the municipal side, having served for more than 20 years on the Stoughton Housing Authority, which oversees subsidized housing for the community's elder population. He currently serves as the SHA's chairman and previously served for five years on the Stoughton Redevelopment Authority. Banker & Tradesman caught up with Crimmins to discuss how small businesses should approach local zoning boards, and how banks can make their branches more appealing to the public.

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Continued on Page 2

Q: What are the big things business should be aware of when approaching a local zoning board?

A: First, remember that zoning and planning boards are comprised of volunteers who act as community gatekeepers. Petitioners should do their homework ahead of time. It is critical to understand the particular community's zoning bylaws and other land-use regulations such as site plan approval bylaws. They are different from community to community and are based on what the municipality has approved as zoning bylaws.

When planning an expansion project, become familiar with who the key players and decision-makers are in each community. Look at the community website. Whether that's Stoughton, Cambridge, Plymouth, the Cape or anywhere else in the state, most communities have one which lists their departments and elected and appointed officials.

Knowing which boards or departments you will need to appear before is important. Your architect, engineer or attorney may be able to help here with some specific information about the community. Begin by seeking meetings with the appropriate community officials, often starting with the building inspector, town engineer and/or town planner. Some communities have full-time people in these positions and other, smaller communities often have part-time officials or share them with another nearby community.

After submitting an application, you should determine the answers to a few questions: Is this proposed project an already permitted use? In other words, does the proposed expansion conform to existing zoning bylaws? If not, and it requires a special permit, what is the procedure for doing so? In turn, which municipal boards, and in what order, should review the application? Understand that the wheels of government do indeed move slowly. Be prepared and be patient.

Q: What is the one single change you would like to see the state legislature make when it comes to local and state zoning laws?

A: The state's Zoning Act, Chapter 40A of the general laws, could stand some cleaning up. It's disjointed and covers lots of territory.

There have been numerous attempts to amend and improve the act. For example, Section 3, the so-called "Dover Amendment," which covers certain exempt religious and nonprofit educational uses, often is subject to litigation due to uncertainty about its application in a given situation. Another example is Section 6, which covers pre-existing nonconforming uses and structures but was drafted somewhat poorly. That section could stand simplification and more consistency.

Q: As a bank or credit union trying to open a new branch, what are the biggest challenges they face from a zoning perspective?

A: Banks typically don't face too many challenges when coming into a community, at least in terms of neighborhood opposition, as they are typically located in commercial areas and tend to not have any negative impacts on a neighborhood. If there is one area that creates a potential zoning challenge, it's the increasing number of local regulations designed to regulate drive-throughs for banks. These laws were generally enacted to address fast food establishments, where the traffic flow and hours of operation are generally very different than for a bank. Often, bankers are surprised to hear that their proposed drive-throughs will require a special permit from the local zoning board of appeals or the planning board.

Q: Residents' complaints about a new branch opening are a familiar refrain. How can banks make their branches more appealing to the public?

A: Banks are generally very good about seeking to establish strong relationships with the communities they serve. And of course, the nature of banking has changed with more online services and particularly with the younger generation less concerned with face-to-face transactions. Banks can make themselves more appealing with carefully designed and decorated lobbies, for example, and of course the stronger the connection with the neighborhood, the better. Some bank branches provide pizza and baked goods on Friday, for example; others display local art or will allow a local business to display its services. It's really all about making the customers feel that the bank is seeking to be part of the community it serves. ◀

CRIMMINS' FIVE FAVORITE MOVIES:

- 1 "It's a Wonderful Life"
- 2 "Shawshank Redemption"
- 3 "Cool Hand Luke"
- 4 "Love Actually"
- 5 "To Kill A Mockingbird"

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