



TOWN OF NORTH ATTLEBOROUGH, MASSACHUSETTS
ZONING BOARD OF APPEAL

HEARINGS & DEADLINE DATES FOR 2012**

LOCATION: Lower Level Conference Room, Town Hall

TIME: Begin at 6:30 P.M.

HEARING DATE:	DEADLINE FOR SUBMITTING APPLICATIONS TOWN HALL CLOSSES AT 4:00 p.m.
JANUARY 17, 2012	WEDNESDAY, DECEMBER 21, 2011
FEBRUARY 21, 2012	WEDNESDAY, JANUARY 25, 2012
MARCH 20, 2012	WEDNESDAY, FEBRUARY, 22, 2012
APRIL 17, 2012	WEDNESDAY, MARCH, 21, 2012
MAY 15, 2012	WEDNESDAY, APRIL 18, 2012
JUNE 19, 2012	WEDNESDAY, MAY 23, 2012
JULY 17, 2012	WEDNESDAY, JUNE 20, 2012
AUGUST 21, 2012	WEDNESDAY, JULY 25, 2012
SEPTEMBER 25, 2012	WEDNESDAY, AUGUST 29, 2012
OCTOBER 16, 2012	WEDNESDAY, SEPTEMBER 19, 2012
NOVEMBER 20, 2012	WEDNESDAY, OCTOBER 24, 2012
DECEMBER 18, 2012	WEDNESDAY, NOVEMBER 21, 2012

**** NO EXCEPTIONS WILL BE MADE TO DEADLINES****

PLEASE COMPLETELY
FILL OUT ONE ZONING
APPLICATION FORM
WITH ATTACHMENTS
AND SUBMIT TWELVE
COPIES TO THE TOWN
CLERK'S OFFICE BY THE
SPECIFIED DATE.

INSTRUCTION FOR FILING A ZONING BOARD APPLICATION

- Applications must be filled out in its entirety (front & back). On the front of the application you must circle what you are applying for (permit / variance / exception) if you are unsure of what you need please check with the Building department.
- Twelve copies of the application & 12 site plans (such as, blue prints, Computer drawings, extremely detailed sketches) which include the following information are required.
 - a. Accurate measurements & placement of your existing home, any proposed changes to your home & existing & proposed structures (I.E. sheds, pools, patio's driveway ect.)
 - b. Inside layout of the home along with finished outside views including front, side & rear elevations including height and roof pitch. The Board wants to see what the finished product will look like. Please provide front, side, and rear drawings with dimensions.

IF ZONING APPROVAL IS GRANTED THE BUILDING INSPECTOR MAY STILL REQUIRE A SCALE PLAN OF THE LOT DRAWN & STAMPED BY A REGISTERED LAND SURVEYOR.

- Applications must be typed or neatly printed with your telephone number or a number where you can be reached in the right hand corner of the application.
- You must obtain a "Certified List of Abutters" from the Assessors Office (\$5.00 fee). This is a list of ALL parties of interest which includes the petitioner, direct abutters, and owners of land directly opposite on any public or private road and ABUTTERS TO THE ABUTTERS IF THEY ARE WITHIN 300 feet of the property line of the petitioner as they appear on the most recent tax list. You, the applicant, shall obtain the correct plat & lot numbers from the Assessors Office and write them in on the form you received with your application. The Assessors office will offer assistance if you need help in doing this. You then leave this form with the Assessors along with a \$5.00 fee and they will certify the list for you.
- All completed applications (12 copies of application, 12 site plans, 1 certified list of abutters and attachments as listed in # 2 above) along with THREE checks, MUST BE submitted to the Town Clerk's office. One check payable to the Town of North Attleboro in the applicable amount as designated in the Policy & Procedures. The second check made Payable to the "Taunton Gazette" in the amount of \$51.00 AND the 3rd check made payable to U.S. Postal Service CMRS-TMS in the amount determined by the Zoning Clerk.
- Hearings are typically held on the THIRD TUESDAY of each month. A list of scheduled meeting and their deadlines are in this packet. THERE WILL BE NO EXCEPTIONS TO THE DEADLINES.
- The applicant or someone representing the applicant MUST BE IN ATTENDANCE at the hearing.

- Any application for a hearing before the Zoning Board in an Industrial Commercial Area or for non-residential use or residential use exceeding 2 dwellings on lots within an approved subdivision plan, must submit the site plan to the Planning Board.
- All Variances for subdivision of property abutting any highway or road must have a plan submitted to the Planning Board for approval or disapproval.
- All Variance or Special Permit requests concerning Stables, kennels, or Veterinary hospital or enclosing of animals in pens must have prior written approval from the Board of Health. A copy of this approval must be attached to the application.
- Please note that there are certain criteria which you are expected to meet in order to be approved for a Variance or Special Permit. A copy of the criteria is enclosed in this packet.
- If your Variance or Special Permit has been approved there is a 20 day appeal period which starts when the Zoning Board Clerk submits a written decision to the Town Clerk. The Zoning clerk by law has 14 days after the date of the hearing in which to do this. **NO PERMITS CAN BE ISSUED UNTIL AFTER THE 20 DAY APPEAL PERIOD HAS PASSED.** At that time you will receive from the Town Clerk's Office a stamped copy of the decision, which must be filed by the applicant, at the Taunton Registry of Deeds. **You MUST GET A RECEIPT OR A STAMPED COPY FROM THE REGISTRY OF DEEDS TO PROVE THAT IT WAS IN FACT RECORDED.** Then you may take your receipt to the Building Inspectors office and apply for a building permit.

IF YOU HAVE ADDITIONAL QUESTIONS PLEASE CONTACT THE ZONING CLERK, MICHELLE DIRENZO, AT 508-699-0126

**TOWN OF NORTH ATTLEBORO
ZONING BOARD OF APPEALS
POLICIES & PROCEDURES**

**Adopted March 16, 2004 & Effective as of March 25, 2004, and amended on
May 18, 2004 & January 4, 2005, December 20, 2005**

This packet provides an overview of the North Attleboro Zoning Board of Appeals policies and procedures as adopted by the Board and in accordance with the Massachusetts General Laws Chapter 40A and any and all amendments thereto.

This information, serves as a guide for applicants and is not intended as a substitute for any professional advice or legal guidance in dealing with issues of land use.

The Zoning Board of Appeals has an office on the second floor of Town Hall, 43 South Washington Street. The Board typically meets on the third Tuesday of every month and will hold special meetings when necessary. All application forms, with instructions are available at the Building Inspectors Office during normal business hours. The Building Inspector's office is also on the second floor of Town Hall.

Any questions on the information contained in this packet should be addressed to the Zoning Board Clerk at 508-699-0126; fax: 508-699-0154

HOW DO I KNOW IF I NEED A VARIANCE OR SPECIAL PERMIT?

The Building Inspector is the Zoning Enforcement Official. When the Inspector reviews your application for a building permit he will decide if you need to seek a Variance, Special Permit or Exception from the Zoning Board of Appeals.

If the Building Inspector has determined that you need to apply to the Zoning Board of Appeals, then you, the applicant, shall pick up the application and all accompanying documents (referred to as the "Zoning Packet") from the Building Inspectors Office. To fully complete the application process you must follow the detailed list of instructions included in the "Zoning Packet".

WHAT DOES IT COST TO SUBMIT AN APPLICATION TO THE ZBA?

All Commercial & Industrial Use applications (not to include residential "home occupations") and Multiple Residential Units, specifically applications requesting the allowance of over three housing units shall pay a \$300.00 application fee and a \$100.00 charge for each Variance and / or Special Permit requested. Checks are made payable to The Town of North Attleboro. In addition to the application fee, the applicant shall submit a check made payable to The Free Press (please refer to the instruction sheet for the current rate). The Board will deny any application that is submitted without the proper fees.

Any Residential Use applications (including a residential use, not to exceed three units, in a Commercial or Industrial zone) shall pay a \$75.00 application fee, made payable to The Town of North Attleboro. In addition to the application fee the applicant shall submit a check made payable to The Free Press in the amount specified on the "instruction sheet" to cover the cost of advertising the application. The Board will deny any application that is submitted without the proper fees.

Appeals from a Decision from the Inspector of Buildings shall pay a \$75.00 application fee, made payable to the Town of North Attleboro. In addition to the application fee the applicant shall submit a check made payable to The Free Press in the amount specified on the "instruction sheet" to cover the cost of advertising the application. The Board will deny any an application that is submitted without proper fees.

Comprehensive Permit applications, which are filed in accordance with M.G.L. Chapter 40B shall pay a \$1500.00 fee for an application containing 100 units or less. On applications, which are requesting over 100 units, there is a \$1500.00 fee for the first 100 units plus an additional \$100.00 for each additional unit exceeding 100. The applicant will also be required to submit \$30,000 (This amount can be adjusted at the discretion of

the Board of Appeals) for "Review Fees" for the hiring of outside consultants, to be placed in a Revolving Account. If the account falls below 50% of the requirement set by the Board, the applicant must deposit an additional amount to return the account to the required level. In addition to the above mentioned fees the applicant must also submit a check in the amount specified on the "instruction sheet" made payable to The Free Press to cover the cost of advertising the application. Failure to fulfill the above listed requirements could constitute an incomplete application and be considered sufficient grounds for denial of said application.

In the event that any check comes back listed as "insufficient funds" the Board will require a bankers check or cash payment to be submitted prior to the date of the scheduled hearing. If no such payment is received before the hearing then the Board will deny the application.

Upon receipt of the application at the Town Clerks Office, the Zoning Clerk will submit a legal advertisement to the Free Press. Upon publication, a copy of the legal notice will be sent to all abutters as listed on the "Certified Abutters List". A copy will also be sent to the applicant and the owners of the property in question.

AT THE HEARING:

The Zoning Board Clerk will have an "Agenda" listing all applications, in their order of appearance, before the Board that evening. Copies will be available at the meeting. First, the Board will handle any continuances from prior hearings. Upon completion of the "old business" the Board begins to hear the new applications. The order of appearance is determined by the date of an applications submittal to the Town Clerks Office. New applications are generally heard in the order in which they were received.

The Chairman of the Board will read each application and any letters that were submitted to the Board regarding each particular application. Please note that any letter that the Clerk of the Board receives will not be made public until the Board members receive copies.

Typically the Board makes a decision the same night as the original hearing. In some instances a continuation may be needed if there are pending questions or issues that need further examination. The same five members must decide any continued application. Only the members who were present when the hearing was first heard are allowed to vote.

In order to receive approval from a five member Board, the vote must be in favor of the applicant by either a 5-0 or 4-1 vote. In an instance where the vote is 3-2, with three members in favor of an application and two members opposed, the application is denied.

If only four members of the Board are present and voting, to receive approval, the vote must be 4-0 in favor of the applicant.

THE VOTE'S BEEN TAKEN, WHAT HAPPENS NOW?

Once the Board votes to approve or deny an application, there is a 14 Calendar Day period in which the Decision is written by the Clerk and signed by the members of the Board. On the fourteenth day, the decision is date stamped by the Town Clerk and a 20 Calendar Day appeal period begins.

The Clerk of the Zoning Board will send a written copy of the decision to the applicant and owners of record. This copy is for your records only. This is NOT the copy that you register.

Once twenty days have passed and no appeals have been received, the Town Clerk will send an attested copy of the written decision to the owner of record as listed on the Zoning Board application. **THIS ATTESTED COPY NEEDS TO BE FILED WITH THE REGISTRY OF DEEDS IN TAUNTON, MA.** There is a fee for registering the document there. **RETAIN A RECEIPT OF THIS TRANSACTION** as the Building Inspectors office **WILL NOT ISSUE A PERMIT** unless you can prove that the Zoning Decision has been filed with the Registry of Deeds.

FREQUENTLY ASKED QUESTIONS:

Will I get my money back if I am not approved or withdraw my application?

No. Once your application has been submitted and has been advertised there will be no refunds.

What if my neighbor is opposed to the project?

The meeting is an open meeting, and variances & special permits are a privilege, not a right. Therefore if your neighbor has concerns or problems with your proposal the Board will listen to their concerns. The Board's decision, however, is based on merits of the application with consideration given to the required criteria as listed in the Zoning By-laws under Section VIII(I)(8) and Section VIII(I)(9).

Do I have any options if the Board denies my application?

When your application is denied you cannot reapply to the Zoning Board of Appeals with that same application until two years have passed. The only exception is if you request permission to file a repetitive petition with the Planning Board (under its rules and fee schedule) and the Planning Board

determines that there is something significantly different about your application and allows you to return to the Zoning Board.

As the applicant you also have the right to appeal the Zoning Board's decision. Any appeal should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and shall be filed within twenty days after the date of the filing of your decision with the Town Clerk.

Can the Board or the Clerk recommend a good attorney in town to represent me on my zoning application?

The Board and the Clerk will not make any recommendations for legal counsel as it presents a conflict of interest.

**COMPREHENSIVE PERMIT APPLICATIONS UNDER CHAPTER 40B
REQUIRE THE FOLLOWING ITEMS:**

1. **DOCUMENTATION OF SITE CONTROL:** Showing that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01 that is,
 - a. The applicant shall be a public agency, a non-profit organization, or a limited dividend organization.
 - b. The project shall be fundable by a subsidizing agency under a low and moderate income housing subsidy program and
 - c. The applicant shall control the site.
2. **PRELIMINARY SUBDIVISION PLAN** where a subdivision of land is involved.
3. **PRELIMINARY SITE DEVELOPMENT PLANS** Showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site.
4. **EXISTING SITE CONDITIONS REPORT** and a summary of conditions in the surrounding areas showing the location and nature of existing buildings, existing street elevations, traffic patterns, and character of open areas, if any in the neighborhood.
5. **PRELIMINARY SCALED ARCHITECTURAL DRAWINGS** for each building: Drawings shall be signed by a registered architect and shall include typical floor plans, typical elevations and sections, and shall identify construction type and exterior finish.

6. **TABULATION OF PROPOSED BUILDINGS** by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings by parking and other paved vehicular areas, and by open areas;
7. **PRELIMINARY UTILITIES PLAN** showing the proposed location and types of sewage, drainage, and water facilities, including hydrants.
8. **LIST OF REQUESTED EXEMPTIONS** to local requirements and regulations, including local codes, ordinances, by-laws or regulations.
9. **PROPERTY LOCATION MAP** showing all Abutters to whom notice is required.
10. **PROJECT FINANCIAL PRO FORMA**
11. **DEVELOPER(S) PROFILE** including experience and qualifications to successfully complete proposed project
12. **REVIEW FEES FOR THE HIRING OF OUTSIDE CONSULTANTS:**
The initial amount required for a Comprehensive Permit "Review Fee" shall be \$30,000. This amount can be adjusted at the discretion of the Board of Appeals. If the account falls below 50% of the requirement set by the Board, the applicant must deposit an additional amount to return the account to the required level. Failure to fulfill "Review Fee" requirements could constitute an incomplete application and be considered sufficient grounds for denial of said application.

REQUEST FOR LIST OF ABUTTERS

DATE _____

PAID _____

SUBJECT PLAT _____

PROPERTY OWNER _____

SUBJECT LOT _____

PROPERTY ADDRESS _____

REQUESTED BY _____ TELEPHONE # _____

FOR: (CHECK ONE) ZONING BOARD _____ PLANNING BOARD _____ OTHER _____

Please list the plat and lot numbers of the lots abutting the subject lot. Please indicate trailing lots in the column after the lot column. A trailing lot is a lot that is assessed along with another to the same owner. The record owners and billing addresses will be printed by this office.

Allow 10 working days for completion. There is a \$5.00 prepaid charge per 25 lots. You will receive 2 computer printouts, and maps of the corresponding area. Address labels will be forwarded to the appropriate board.

NOTES

	PLAT	LOT	TRAILING
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____
21	_____	_____	_____
22	_____	_____	_____
23	_____	_____	_____
24	_____	_____	_____
25	_____	_____	_____

Acceptable Convey Submittal

Address: _____

Applicant: _____

Deed Bk./Pg. 10561/336

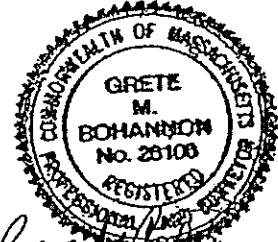
Assessor Plat # 11

Lot # 224

Plan Bk./Pg. 339/24

The existing structure is located as shown based on an actual field location on 06/18/04

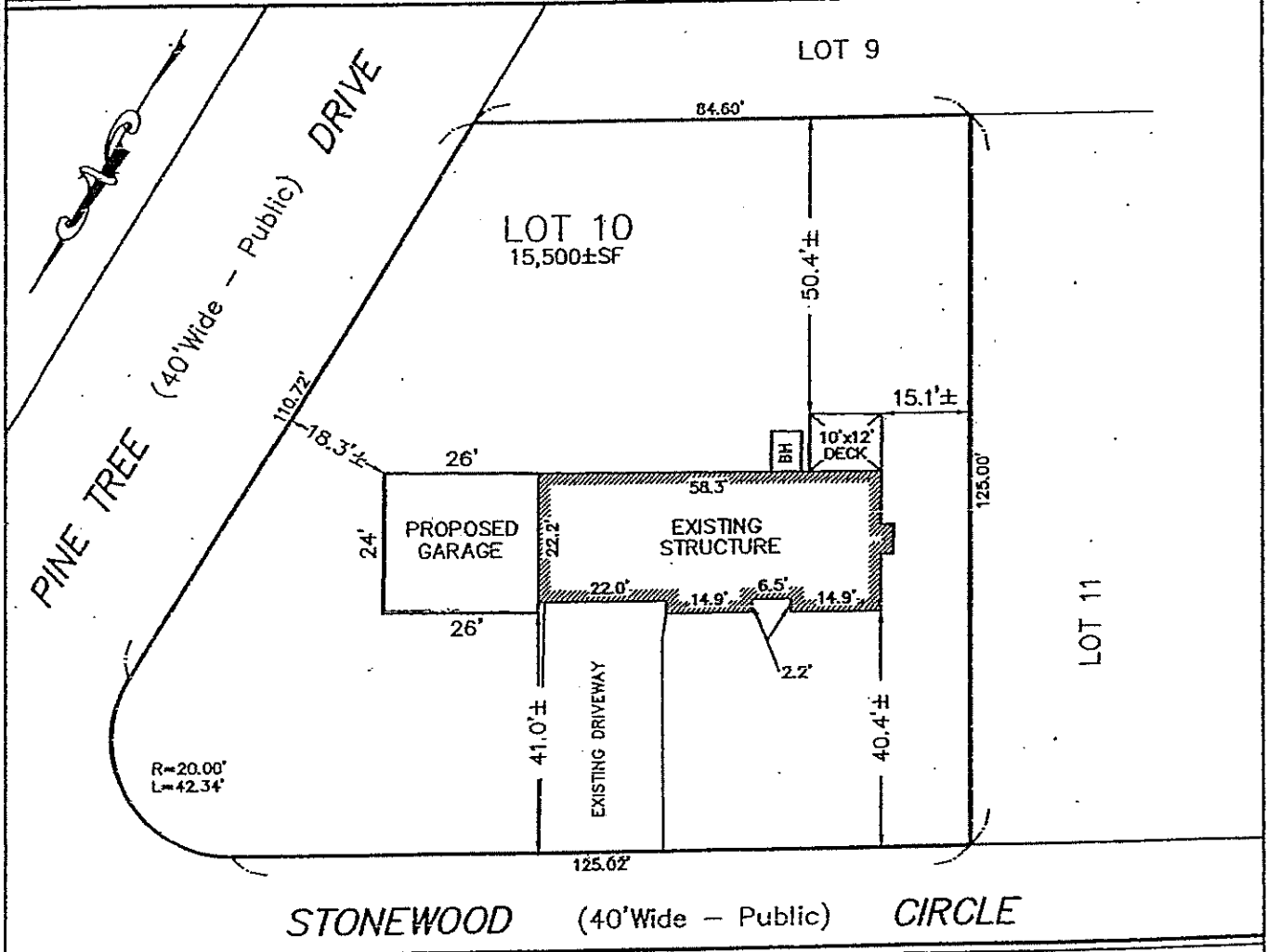
- Easements of Record - BK: 6321/Pg: 173
- BK: 6572/Pg: 103
- BK: 6574/Pg: 101



Grete M. Bohannon
 Registered Professional Land Surveyor

June 23, 04
 Date

John Whalen



PROPOSED ADDITION PLAN OF LAND IN

NORTH ATTLEBOROUGH, MA.

Date: 06/23/04 Scale: 1"=30'

W.T. Whalen Engineering Company
 North Attleborough, Massachusetts
 Surveyors - Engineers
 (508-699-4604)

Drawn: JKW
 04-146.DWG
 Project: 04-146



Contact Name: _____

Telephone No: _____

ZONING BOARD OF APPEALS

TOWN OF NORTH ATTLEBOROUGH

Application for Variance, Special Permit, or Exception

Gentlemen:

Date _____

The undersigned hereby applies to the Zoning Board of Appeal for a, (circle one):
Variance
Special Permit
Exception

Following described premises in a manner contrary to the provisions of the Zoning By-Law:

Name of Applicant _____ Address _____

Owner _____ Address _____

Mortgagee (If any) _____ Address _____

Location of Premises _____
(Street Number) (Name of Street)

Assessor's Plat No. _____ Lot No. _____

Dimensions of Lot: Frontage _____ Depth _____ Area _____ s.f.

Zoning Districts in which premises are located _____

How long have you owned above premises? _____

Is there a building on the premises at present? _____

Size of Existing Building _____

Proposed Building or Structure _____

Proposed Use of Premises _____

Extent of Proposed Alterations _____

Number of Families to Use Building _____

Provision or regulation of Zoning By-Law or State Enabling Act under which application for Exemption, Special Permit or Variance is made:

State Grounds for Exception, Special Permit, or Variance:

Respectfully Submitted,

Signature _____

Address _____

Note: A location plan and such sketches as may be required by the rules of the Board shall be filed with the application.

8. **Special Permits.** Certain uses, structures or conditions are designated as exceptions in Section V., Use Schedule B, and elsewhere in this bylaw. Upon written application duly made to the Board of Appeals, the Board may, in appropriate cases subject to the applicable conditions set forth in Section VI of this bylaw and elsewhere, and subject to other appropriate conditions and safeguards, grant a special permit for such exceptions and no others.

a. Before approving an application for a special permit, the Board with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

(1) The use requested is listed in the Schedule B as a special permit in the district for which application is made or is so designated elsewhere in this bylaw.

(2) The requested use is essential or desirable to the public convenience or welfare.

(3) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

(4) The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare.

(5) Any special regulations for the use, set forth in Section VI, are fulfilled.

(6) The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals, or welfare.

b. The Board shall also impose in addition to any applicable conditions specified in this bylaw such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this bylaw, including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this bylaw; screening buffers or planting strips, fences, or walls, as specified by the Board; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities; regulation of number and location of driveways, or other traffic features; and off-street parking or loading or other special features beyond the minimum required by this bylaw. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Board.

c. In order that the Board may determine that the above mentioned restrictions are to be met, a site plan shall be submitted, in duplicate, to the Board by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features such as fences, walls, planting areas, and walks.

The Board shall within ten days after receipt thereof, transmit one copy of such plan to the Planning Board. The Planning Board may, in its discretion, investigate the case and report in writing its recommendations to the Board.

9. **Variations.** The Board of Appeals may authorize a variance for a particular use or parcel of land or to an existing building thereon from the terms of this bylaw where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the appellant, and where desirable, relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.

Before any variance is granted, the Board must find all of the following conditions to be present:

a. Conditions and circumstances are unique to the applicant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.

b. Strict application of the provisions of this bylaw would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.

c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this bylaw.

d. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this bylaw.

e. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

J. Amendment

Neither this bylaw nor any amendment thereto nor the zoning map shall be modified, changed, or replaced except in accordance with the provisions of Section 5 of Chapter 40A of the General Laws.