



Town of West Boylston

Zoning Board of Appeals

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1. General information
2. Procedure to be followed by Petitioner(s) and fee schedule.
3. & 4. PETITION: A copy of the Inspector of Buildings' letter of denial must be attached.
Please make 20 copies of these 3 pages.

5. Form A: VARIANCE: Please make 20 copies.

6. Form B: SPECIAL PERMIT: Please make 20 copies.

7. Form C: ABUTTERS & PLANNING BOARDS: Petitioners must obtain the name of the abutters to the property from the Assessors' Office

BE SURE TO PROVIDE TWO SETS OF STAMPED, ADDRESSED ENVELOPES TO ALL ABUTTERS AND TO THE PLANNING BOARDS AS LISTED ON FORM C, page 5.

8. Form D: SPECIFICATION FOR PLANS Please provide 20 copies of each plan.

9. Form E: COMPREHENSIVE PERMIT Please make 24 copies.

10. Form F: MISCELLANEOUS Please make 20 copies.

11. Form G: ADMINISTRATIVE APPEAL Please make 20 copies.

Petitioner(s) MUST COMPLETE: Pages 3 & 4, Form C and Form D.

Petitioner(s) WILL COMPLETE: Form A or Form B or Form E or Form F or Form G, whichever is applicable. Please discard any pages not used.

Separate all pages into "packages" consisting of all completed forms, placed in alphabetical order after the petition, the letter of denial from the Inspector of Buildings, any additional lists of abutters and all plans. Please staple each "package" together; you should have 20 "packages", or 24 "packages" for a comprehensive permit.

Attach a check for the proper fee (payable to the Town of West Boylston) and the 2 sets of stamped envelopes (with appropriate postage) with mailing labels affixed containing the complete name and address of each listed party in interest including the Planning Boards of contiguous towns.

SUBMIT THE PETITION TO THE TOWN CLERK DURING REGULAR OFFICE HOURS
Town Clerk and Assessors Office are as posted on the website

If the above procedure is not followed, the Town Clerk will not accept this application and the hearing will be delayed.

Kim D. Hopewell, Town Clerk

Revised October 2002



Town of West Boylston

Zoning Board of Appeals

PETITION

PROCEDURE TO BE FOLLOWED BY PETITIONER

The Petitioner(s) shall complete the following forms and file same with the Town Clerk within thirty days of the decision which is being appealed.

1. **PETITION** To Board of Appeals
2. **Form A** Application for VARIANCE petition
3. **Form B** Application for SPECIAL PERMIT petition
4. **Form C** List of abutters
5. **Form D** Specifications for Plan which must be submitted in all classes
6. **Form E** Application for COMPREHENSIVE PERMIT
7. **Form F** MISCELLANEOUS
8. **Form G** Request for ADMINISTRATIVE APPEAL
9. **Fees** The fee must accompany the application or petition. This fee covers the costs of legal advertising and other administrative costs.

Variance, Special Permit or Administrative Appeal	\$350.00
Accessory Apartment	\$200.00
Comprehensive Permit	\$500.00 plus \$100 PER UNIT

****NOTE: COMPLETE PETITION PACKET MUST BE FILED WITH THE TOWN CLERK NO LESS THAN THREE (3) WEEKS PRIOR TO THE DATE OF THE PUBLIC HEARING OR THE HEARING DATE MAY HAVE TO BE DELAYED.**

Review Fees for a Comprehensive Permit:

- 1) When reviewing an application for, or when conducting inspections in relation to, a Comprehensive Permit application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the Comprehensive Permit application. Whenever possible, the Board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of the consultant fees. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable "project review fee" of a sufficient sum to enable the Board to retain consultants chosen by the Board alone. The Board may require that an applicant deposit a lump sum in order to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Board may require additional deposits.
- 2) In hiring outside consultants, the Board may engage engineers, financial analysts, Planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
- 3) Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose.

Failure of an application to pay a review fee shall be grounds for denial of the Comprehensive Permit application. The account established shall be in accordance with Massachusetts General Laws, Chapter 44, Section 53G.

- 4) At the completion of the Board's review of a project, any excel amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- 5) Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty (20) days after the Board has mailed or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the appeal, the selection made by the Board shall stand.

NOTICE OF HEARING

Due notice of the Hearing date will be given to the petitioner(s), abutters and other parties in interest. An applicant may appear personally and/or with representation by a duly authorized attorney or agent. The application will be given the opportunity to present witnesses and evidence. Persons appearing in opposition will be given an opportunity to be heard. In the event of the unexcused absence of the applicant or his representative at hearing upon the matter, the Board may issue a decision upon the matter based upon all information submitted and available to it.

DECISION

In most cases, a decision will be made immediately following the Hearing. If a decision is not made at said Hearing, it will be made at an open meeting of the Board of Appeals as follows:

- A. In case of a Variance, decision will be made within 75 days of the date of filing of the application with the Town Clerk's Office.
- B. In the case of a Special Permit, a decision will be made within 90 days of the date of Hearing.

The applicant will be notified in writing of the decision of the Board.



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APPROVED FORMS PACKET AND GENERAL INFORMATION

The following instructions, forms and information are designed to assist petitioner(s) in seeking a Variance, Special Permit or extension of change in the non-conforming use of property. In preparing same, the Board of Appeals has made an effort to conform to the procedural and substantive requirements imported by the Town zoning Bylaws and Chapter 40A of the Massachusetts General Laws. Although references are made to certain sections of the Town Bylaws and Chapter 40A of the Massachusetts General Laws of the information contained herein, it is not an exhaustive commentary on the law of variances, etc., and the PETITIONER IS CAUTIONED TO REVIEW THE LAW OR SEEK ADVICE OF LEGAL COUNSEL OR OTHER CONSULTANTS.

VARIANCE (Excerpt from M.G.L. Ch. 40A)

The permit granting authority shall have the power, after public Hearing for which notice has been given by publication and posting as provided in section eleven by mailing to all parties in interest, to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or bylaws where such permit granting authority specifically find that owing to circumstances relating to the soil conditions, shape. Or topography of such land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner(s) or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.

SPECIAL PERMIT (Excerpt from M.G.L. Ch. 40A)

Special Permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or bylaw, and shall be subject to general specific provisions set forth therein; and such permit may also impose conditions, safeguards and limitations on time or use.

EXTENSION OR CHANGE OF PRE-EXISTING NON-CONFORMING USES

See Chapter 40A, Sections 6 and 9.



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PETITION

TO THE BOARD OF APPEALS OF THE TOWN OF WEST BOYLSTON:

The undersigned respectfully petitions your Honorable Board for a (*check one*):

- _____ Special Permit
- _____ Variance
- _____ Hearing from a Denial of a Permit by the Building Inspector
- _____ Administrative Appeal

1. The undersigned is the owner / prospective purchaser (delete one) of a certain premises situated on the _____ side of _____ Street. The record title stands in the name of _____ whose address is _____ by a Deed recorded in the Worcester District Registry of Deeds, Book _____ Page _____, and with the West Boylston Board of Assessors Map Number _____ Lot Number _____.

2. Said premises are situated in a district classified under the Zoning Bylaws of the Town of West Boylston as _____.

If this petition is for a Special Permit, state the provision of the Zoning Bylaws which allows the Board of Appeals to grant the permit: _____

3. The following is located on the premises:

4. The petitioner desires to do the following on the premises:

5. The parties in interest (abutters, owners of land directly opposite on any public or private street or way, and owners of land within 300 feet of the property line are on attached list.

6. *(In cases of petitions for a Variance or a Special Permit):*

The undersigned has submitted an instrument plan survey (refer to Form D) with dimensions showing existing and proposed buildings and their respective dimensions. Said plan should indicate the scale and include a north arrow. If construction is to be more than one story, a front and side elevation must be submitted. A floor plan must be submitted, conversions, etc.

7. *(In cases of petitions for a Variance):*

The undersigned has completed the supplemental schedule dealing with the conditions on which variances can be granted.

8. The undersigned has filed twenty (20) copies of this petition and, if required, twenty (20) copies of any plans and supplementary schedules.

The undersigned has paid the prescribed fee. (See Town Clerk)

9. A copy of the written decision which is being appealed is attached hereto.

The petitioner(s) appeal(s) to the Board of Appeals that it grant such action as may be appropriate.

Signed: _____

Address: _____

Telephone: _____

Date Received: _____

Town Clerk: _____

Answer all applicable questions fully. If needed, attach additional sheets.

Please note that additional licenses or permits may be required from the Board of Selectmen or other boards and/or officials.



Town of West Boylston

Zoning Board of Appeals

FORM A

REQUEST FOR FINDINGS OF FACT IN CONNECTION WITH A PETITION FOR A VARIANCE

Now comes the petitioner(s) _____

who has (have) petitioned this Honorable Board for a Variance for property located at:

and asks that said Board make the following findings of fact:

1. That owing to circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning Bylaws would involve substantial hardship, financial or otherwise, to the petitioner(s) for the following reasons:
 - a. _____
 - b. _____
 - c. _____
2. That no substantial detriment to the public good would result from granting the Variance for the following reasons:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
3. That no nullification or substantial derogation from the intent of purpose of the Zoning Bylaws would result from granting the Variance for the following reasons:
 - a. _____
 - b. _____
 - c. _____
 - d. _____

Date: _____

Respectfully Submitted,

By: _____

Signature: _____



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FORM B

REQUEST FOR FINDINGS OF FACT IN CONNECTION WITH A PETITION FOR A SPECIAL PERMIT

Now comes the petitioner(s) who has petitioned this Honorable Board for a Special Permit for property located at:

and asks that said Board make the following findings of fact:

1. The petitioner(s) whose name is _____ is the

(check one) ☐ owner ☐ lessee ☐ optionee of certain land situated at

In the Town of West Boylston, and more particularly described in a Deed recorded with the Worcester District Registry of Deeds, Book _____ Page _____

If the petitioner is not the owner, complete the following:

The owner of said land is _____ whose address is _____.

2. Said land is situated in a district classified under the Town of West Boylston Zoning Bylaws as

3. Presently located on the premises is/are _____

4. The petitioner(s) desires to use said premises as follows:

5. The petitioner(s) duly applied for a Building Permit to use said site for said purpose but was refused for non-compliance with the Zoning Bylaws.

6. The proposed use is in harmony with the general purpose and intent of the Town of West Boylston Zoning Bylaws for the following reasons:

Date: _____

Respectfully Submitted,

By: _____

Signature: _____



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FORM C

ABUTTERS AND PLANNING BOARDS

OWNERS NAME: _____

ADDRESS OF PROPERTY: _____

MAP AND PARCEL: _____

The following is a list of all parties of interest, as defined by Massachusetts General Laws, Chapter 40A, Section 11.

PARTIES OF INTEREST shall mean the petitioner(s), abutters, owners of land directly opposite on any public or private street or way within 300 feet of the property line, even though said land is in another city and/or town, and the Planning Boards of contiguous towns.

Name	Legal mailing address and Zip Code
APPLICANT: _____	
OWNER: _____	
AGENT / ATTORNEY: _____	

Boylston Planning Board	Boylston Town Offices	221 Main St.	Boylston Ma 01505
Clinton Planning Board	Clinton Town Hall	242 Church St.	Clinton, Ma 01510
Holden Planning Board	Holden Town Hall	1196 Main St.	Holden, Ma 01520
Shrewsbury Planning Board	Shrewsbury Town Offices	100 Maple Ave.	Shrewsbury, Ma 01545
Sterling Planning Board	Sterling Town Hall	1 Park St.	Sterling, Ma 01564
Worcester Planning Board	418 Main St.	Suite 400	Worcester, Ma 01608

Assessors Map & Lot No.	Name	Property Affected Street & No.	Legal mailing address and Zip Code

(use additional sheets if necessary)

Certified by the Board of Assessors: _____

Date: _____



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FORM D

SPECIFICATIONS FOR PLANS

Each application, petition or appeal which seeks a permit for new construction shall be accompanied by a plan (Form D) of at least 8.5" x 11" or 11" x 16", drawn to a scale of 1" equals 40', or an appropriate legible size, containing the following information:

- An accurate instrument survey showing all structures, adjacent roadways and lot lines, signed by a professional land surveyor or a professional engineer
 - Property lines and boundaries
 - Name and address of record owner
 - Names and location of adjacent streets
 - North arrow and scale
 - Zoning District and any zone lines in vicinity
 - Existing and proposed buildings or additions, including number of stories and height of all structures
 - Paved areas, existing and proposed parking or loading spaces
 - Existing utility lines, including septic, sewer and underground structures
 - Location of structures on adjoining property
 - Lot area and dimensions, including setbacks where new construction or additions are proposed
 - Detailed elevations for standing signs
 - Other information as required in the Zoning bylaws unique to the type of relief being sought (e.g. Special Permits, Variances, Uses requiring Site Plan Review.)
- Comprehensive Permits may require additional plans and data.



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FORM E

**REQUEST FOR FINDING OF FACE IN SUPPORT OF PETITION FOR
COMPREHENSIVE PERMIT**

Applicant hereby request that the Board, upon Public Hearing and after review of the evidence submitted, grant the Applicant a Comprehensive Permit in accordance with the provisions of M.G.L. Chapter 40B, and make the following findings in support of the application.

1. The Applicant _____

whose address is _____

is the (*check one*) owner lessee optionee of certain land situated at

in the Town of West Boylston, and more particularly described in a Deed recorded with the Worcester

District Registry of Deeds, Book _____ Page _____

If the Applicant is not the owner, complete the following:

The owner of said land is _____

whose address is _____

2. Said land is situated in a district classified under the Town of West Boylston Zoning Bylaws as

3. Presently located on the premises is/are _____

4. The Applicant desires to use said premises as follows:

5. Applicant is qualified to apply for a Comprehensive Permit in that (attach extra sheets if necessary):

a. Applicant is a (*check one*) public agency _____ non-profit organization _____

Limited dividend organization _____ in the following particulars:

b. The specific project has been determined to be eligible for funding under a low and/or moderate income housing program and has received site approval from a qualifying subsidizing agency as



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FORM E (continued)

follows:

- c. Applicant has a specific legal interest in and control over the site as

6. By the grant of the Comprehensive Permit, Applicant seeks the following specific exemptions to the below listed provision of the following local codes, bylaws or regulations:

7. The granting of the Comprehensive Permit is reasonable and consistent with local needs for the following reasons:

Date: _____

Signature of Applicant

Signature of Owner

