

Zoning Board of Appeals Information Packet

(Revised September 2010)

These brief statements are intended to serve as a guide only. The applicant must refer to the Zoning Bylaws for a complete statement of the rules and requirements concerning these matters. Applicants may wish to consult with an attorney. Please note that it is not appropriate for any members of the Zoning Board of Appeals or their Administrative Assistant to review the specific details of your situation outside of the public hearing.

To Request A Hearing

1. To determine if you must petition the Zoning Board of Appeals (ZBA) for a Variance, Special Permit, Administrative Appeal, or any other related relief, Applicant must first complete a Notice of Intent with the Building Inspection Department. The Inspector of Buildings/Zoning Enforcement Officer will subsequently issue a letter to the Applicant, which must be attached to any ZBA Application filed.
2. ZBA Applications may be obtained at the Town Clerk's Office, and must be submitted as a complete packet *see below, along with the required filing fee listed on the top of the application form.
3. The Application form must be filled out completely. Applicant is required to provide the specific section of the Town of Pepperell Zoning-By-law from which they are seeking relief. Applicant is required to provide a written statement of the specific relief being requested (please use separate piece of paper, if necessary); the description of relief being requested must be written with sufficient detail to allow the Board and persons receiving the Notice of Public Hearing to understand the nature of the request prior to the hearing. Application forms not completed in full, cannot be accepted by the Board for processing and will be returned to the Applicant.
4. Obtain a Certified Abutters list* from the Assessor's Office. Allow up to 10 days for the request to be processed (see Assessor's Office for associated fee). *Note: A Certified Abutters list attached to a ZBA Application must be dated within the current calendar year.
5. Present 20 copies (collated and stapled) of the completed (*see following page for complete application requirements*) application packet to the Town Clerk for stamping, along with the required filing fee, and leave the packet with the Town Clerk.
6. *See following page for complete application requirements.*

A complete ZBA Application must include the following:

Applications must be submitted in complete packets (20 copies) as detailed below. Both the application form and packets must be complete and include all required documents when presented to Town Clerk or the Zoning Board of Appeals will return it to the Applicant.

- A check for the required filing fees (see application form) made out to the Town of Pepperell. Please note that the Applicant is responsible to pay for all mailing and publication costs required to process the application (Applicant will be billed for these items, and payment will be due at the first hearing). If filing a 40B Comprehensive permit, please see attached 40B Comprehensive Permit Application Fee Requirements.”
- 20 copies: Completed Application form (include P.O. Box if applicable). Property Owner’s signature and address are required, if Applicant is not property owner.
- 20 copies: Letter(s) from the Inspector of Buildings/Zoning Enforcement Officer
- 20 copies: Certified Abutters List (date of issue must be within current calendar year)
- 20 copies: Certified Plot Plan: A Certified Plot Plan must have a registered land surveyor/engineer’s stamp and date on it. A Certified Plot Plan must also show
1) The dimensions of the lot; 2) All existing structures currently on the lot; and,
3) The location of any proposed structure(s) or additions to the lot. Applications submitted without the appropriate Certified Plot Plan will be returned to the Applicant.
- 20 copies: Detailed, written statement describing the specific relief being requested and what you intend to do at the property.
- 20 copies: Any additional documents, plans or drawings that may be required.

Accessory Apartments & Home Occupations: In addition to the above, application must include 20 copies of the following: 1) Floor Plan of the apartment with the square footage and living area not to exceed 800 square feet; 2) Parking Area Plan.; 3) Picture or Drawing of the external appearance of the proposed apartment; 4) Affidavit of Owner Occupancy (Access. Apartments.); 5) Statement of Residency (Home Occupations). Additionally, please refer to specific section of Zoning-By-law for further submission requirements for these Permits.

Administrative Appeals: In addition to the above, application must include 20 copies of Letter of Zoning Determination from the Zoning Enforcement Office.

40B Comprehensive Permits: Please see attached 40B Comprehensive Permit Application Fees/Requirements.



Zoning Board of Appeals

40B Comprehensive Permit Application Fee Requirements

(Revised April 26, 2005)

All applications shall be accompanied by two (2) certified checks made payable to the order of the Town of Pepperell. One check to the Town shall be for Filing/Administrative Fees and the second check shall be submitted as Consultant/Technical Review Fees and shall be deposited by the Town Treasurer into an individual special account to pay for project review costs defined below. The following fees/deposits are due at the time the application is filed with the Town Clerk.

Filing Fee: The filing fee for each application is Five Hundred Dollars (\$500.00).

Advertising of Notice of Public Hearing and Postage:

The cost of advertising of notices of public hearings and mailings to applicant, abutters, etc. in connection with this application, will be billed separately to the Applicant, upon the completion of the notice of public hearing. Payment is due at the time of the first public hearing. After the first hearing, any additional advertising or postage costs associated with this application will be billed to Applicant and payable with thirty (30) days of receipt of the bill.

Consultant/Technical Review Fees:

The technical/review deposit is Ten Thousand Dollars (\$10,000), plus Two Hundred Dollars (\$200.00) per dwelling unit or Ten Dollars (\$10.00) per linear foot of roadway, whichever is greater, and shall be submitted with the Application and used as compensation to a qualified consultant. Surplus funds are to be returned to the Applicant. However, if the account is depleted prior to the completion of the technical review, the Applicant will be required to supplement the account in an amount that the Board may feel is reasonably necessary to complete the review. Failure by the Applicant to make the above-referenced filing deposit prior to the closing of the public hearing, or supplementary deposit within ten (10) days of date requested shall be justification for project disapproval.

40B Comprehensive Permit Application
Fee Requirements
(Revised April 26, 2005)

Consultant/Technical Review Fees: (continued)

In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers, or other appropriate professionals, who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, good design principals, and regulations. Such assistance may include, but is not 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.

Funds received by the Board pursuant to these regulations shall be deposited with the Town Treasurer, who will establish a special account for this purpose. Expenditures from this special account may be made at the discretion 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 Applicant to pay a review fee prior to the public hearing being closed shall be grounds for denial of the Application.

At the completion of the Board's review of a project, any excess 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 the 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.

Zoning Board of Appeals Hearing Schedules

The Board hears the application for a variance or an administrative appeal within 65 days of receiving the application. A decision is rendered within 100 days of the filing of the application. A unanimous vote is necessary to obtain a variance or to overturn or modify the decision of the Building Inspector.

The Board hears the application for a non-conforming use/structure special permit within 65 days of receiving the application. A decision is rendered within 90 days of the closing of the hearing. A unanimous vote is necessary to obtain a special permit.

Comprehensive Permits are scheduled in accordance with MGL C. 40B, §§20-23 (low or moderate housing). A majority vote is necessary for obtaining a comprehensive permit.

Applicant Responsibility

The applicant has the burden of proof and the applicant is advised to present information that supports findings necessary to grant the relief.

After the Hearing

Filings with the Town Clerk

The Zoning Board of Appeals files the decision with the Town Clerk and the decision becomes public record. For 40B Comprehensive Permits, the Zoning Board of Appeals files the decision with the Town Clerk within 40 days of the date of the decision.

Appeals Period

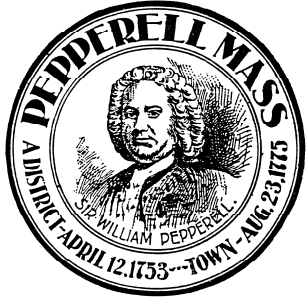
Each decision has a 20-day appeal period. (20 days from the date of filing with the Town Clerk).

After the appeal period expires and if the decision was in favor of the applicant, the applicant must file a certified copy of the decision in the owner's name with the Registry of Deeds in Cambridge and so indexed and if registered land noted in owner's title certificate. The rights granted in the decision may not be exercised without a proper filing. The Town Clerk will provide the proper document for filing.

Applicant's Rights

If the rights authorized by a variance are not exercised within one year of the date of the authorization, the rights shall lapse. To re-establish these rights, a new hearing with notice must be held unless the grantee makes a written application to the Board within that year for an extension. The Board at their discretion may grant an extension for a period not to exceed six months.

A two-year rule applies to special permits. (MGL C. 40A)



**Zoning Board
of
Appeals
Application**

For Town Clerk's Use Only	
Filing Fee Received:	
Appeal	\$100
Special	\$100
Variance	\$100
Comp. (40B)	\$500 (plus per unit review fees and technical/review deposit – please see attachment for detail of fees required.)

- Application Type: Variance Administrative Appeal
 Comprehensive Permit Non-Conforming Use Special Permit
 Special Permit

Name of Applicant(s): _____

Relationship of Applicant to the subject property:

- Owner *Purchaser under agreement with owner Appellant *Other

Address of Applicant(s): _____

P.O. Box if applicable: _____

Subject Property Address: _____

Zoning District: _____ Assessors Map and Parcel No.: _____

State Nature of the action or relief requested:

Applicable section of Zoning/Town Bylaw: _____

Letter/correspondence from the Inspector of Buildings/Zoning Enforcement Officer regarding this matter must be attached. Please see ZBA Information Packet for required attachments to application.

I/We hereby request a hearing before the Zoning Board of Appeals with reference to the above noted request. I/We agree to pay prior to the public hearing all costs of the certified mailing and the advertising of the notice of public hearing and understand that it is my/our obligation to establish at the public hearing, the factual and legal basis for the relief requested. This request is accompanied by all the required submissions and I/we have reviewed the Rules and Regulations of the Zoning Board of Appeals as most recently amended.

Applicant Signature/Date	Print Name	Day phone	Eve phone
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Applicant Signature/Date	Print Name	Day phone	Eve phone
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*Owner's Acknowledgement
 As the owner of subject property, I concur with the application, and if granted, authorize it to be recorded in owner's name and, if land is registered, noted on owner's certificate of title.

Owner's Signature(s)/Date