



# Zoning Board of Appeals Application Information Packet

(Revised April 30, 2018)

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 member of the Zoning Board of Appeals to review the specific details of your situation outside of the public hearing.

## To Request A Hearing

### Step 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, an 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 your ZBA Application.

ZBA Application forms may be obtained at the ZBA Office or on the Town of Pepperell's website ([www.town.pepperell.ma.us](http://www.town.pepperell.ma.us)), and must be submitted as a complete packet \* (please review the requirements/instructions included in this information packet), along with the required filing fee(s) listed on the top of the application form. Please note that there is a blank ZBA application form on the last page of this information packet.

Once you have received a letter from the Building Inspector/Zoning Enforcement Officer, you will need to contact the Town of Pepperell Assessor's Office to apply for a Certified List of Abutters\*. Please allow up to 10 days for the request to be processed (see Assessor's Office for associated fee). **\*Important Note:** A Certified Abutters list attached to a ZBA Application must have been issued by the Assessor's Office within the past 90 days and dated within the current calendar year.

### Step 2:

Contact the ZBA Assistant (Cheryl Lutcza) to set up an appointment for a pre-submission review of your ZBA application materials. This is necessary to ensure that you have compiled all of the documents that are required to meet submission/processing requirements. The ZBA Assistant will review your pre-submission materials and let you know if you are missing any of the required documents (submission requirements are listed on the following pages of this document). The ZBA Assistant may be contacted via email (preferred) at [zba@town.pepperell.ma.us](mailto:zba@town.pepperell.ma.us) or via telephone at (978) 433-0333.

## ZBA Application Submission Requirements:

### A complete ZBA Application must include the following:

The application form must be filled out completely, by the Applicant, and all applications must be submitted in 20 complete packets (collated and stapled) consisting of all of the required documents as detailed below and on the following pages. Both the application form and packets must be complete, with all sections on the application form filled in and 20 copies of all the required documents attached to each application form. The appropriate filing fee(s) (made out to the Town of Pepperell) must also be included. ***\*Please Note: ZBA Application submissions that are incomplete and do not meet submission requirements cannot be accepted for processing and will be returned to the Applicant by the ZBA Assistant.***

\_\_\_\_\_ **Required Filing Fee(s)\*:** A check for the required filing fees (*see top of the application form on last page of this instruction packet*) made out to the Town of Pepperell. If you are requesting more than one type of relief on an application (i.e. a Special Permit and a Variance) please include filing fees for **both** types of relief. *\*If filing a 40B Comprehensive permit, please see attached 40B Comprehensive Permit Application Fee Requirements.*”

**Additional Costs:** The Applicant is also responsible to pay for all mailing and publication costs required to process the application. Applicant will be billed (by the ZBA) for the postage and publication costs, prior to the first hearing, with payment due the evening of the first hearing. Please note that payments for the postage and publication costs must be paid by certified check or money order (*cash and personal checks cannot be accepted*). The Board will be unable to make a Decision on any application whose fees remain unpaid the evening of the first hearing.

\_\_\_\_\_ Please complete section of form entitled “**Zoning District**”

\_\_\_\_\_ Please complete section of the form entitled “**Assessor’s Map and Parcel Numbers**”.

\_\_\_\_\_ **Please list all applicable section(s) of the Town of Pepperell Zoning Bylaw:** Applicants are required to list/provide all applicable section(s) of the Town of Pepperell Zoning-By-law from which they are seeking relief (*please refer to the Town of Pepperell Zoning-Bylaw, which can be found on the Town of Pepperell website or consult with the Building Inspection Department*).

\_\_\_\_\_ **State Nature of the Action or Relief Being Requested:** Applicant is required to provide a written statement of the specific relief being requested (please attach 20 copies to each application packet if you need more room than is allotted on the application form). The description of the 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.

\_\_\_\_\_ **20 copies:** Completed ZBA Application form (include P.O. Box if applicable). Property Owner’s signature and address are required, if Applicant is not the 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 the past 90 days and current calendar year).
  
- \_\_\_\_\_ 20 copies: Certified Plot Plan: A Certified Plot Plan must have been issued within the past 12 months and 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. (Note: If the application is for an accessory apartment, the above certified plan must also show the location of any septic system or sewer line, private well or water line and required parking area on the property). Applications submitted without the appropriate Certified Plot Plan (as detailed above) cannot be processed and 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 are required (see below).

**\*Additional Requirements for Accessory Apartments, Home Occupations and 40-B Comp. Permits:**

In addition to the above-listed requirements, the following **additional** documents are required for applications for **Accessory Apartments, Home Occupations and 40B Comprehensive Permits**. Please refer to the specific section(s) of the Town of Pepperell Zoning-By-law for further submission requirements for these types of Permits.

**Accessory Apartments:** *(In addition to the above listed-requirements, the application must also include 20 copies of the following required documents):*

- \_\_\_\_\_ A floor plan of the proposed accessory apartment showing the square footage of each room and calculation of the square footage of the living area not to exceed 800 square feet.
  
- \_\_\_\_\_ A Parking Area Plan.
  
- \_\_\_\_\_ Pictures or drawings of the external appearance of the existing home and proposed apartment.
  
- \_\_\_\_\_ Affidavit of Owner Occupancy.
  
- \_\_\_\_\_ Certified Plot Plan: A Certified Plot Plan must have been issued within the past 12 months and 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. (*Note: If the application is for an accessory apartment, the above certified plan must also show the location of any septic system or sewer line, private well or water line and required parking area on the property*). Applications submitted without the appropriate Certified Plot Plan (as detailed above) cannot be processed and will be returned to the Applicant).

**Home Occupations:** *(In addition to the above-listed requirements, the application must also include 20 copies of the following required documents):*

- \_\_\_\_\_ A floor plan of the proposed area in which the home occupation will be conducted.
- \_\_\_\_\_ A Parking Area Plan.
- \_\_\_\_\_ Pictures or drawings of the external appearance of the existing home where the home occupation will be conducted.
- \_\_\_\_\_ Statement of Residency.

**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.

After submission and processing review requirements are deemed to be complete by the ZBA Assistant, the application will be filed with the Town Clerk and a public hearing with the Zoning Board of Appeals will be scheduled.

## **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 a decision is filed 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

### 40B Comprehensive Permit Application Fee Requirements

*(Revised July 1, 2016)*

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 40-B Comprehensive Permit application is filed with the Town Clerk:

**Filing Fee:** The filing fee for each application is Five Hundred Seventy-Five Dollars (\$575.00).

#### **Consultant/Technical Review Fees:**

The technical/review deposit is Eleven Thousand Five Hundred Dollars (\$11,500), plus Two Hundred Thirty Dollars (\$230.00) per dwelling unit or Twelve Dollars (\$12.00) 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.

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.

## **40B Comprehensive Permit Application Fee Requirements**

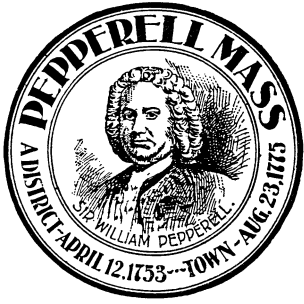
(Revised July 1, 2016)

### **Consultant/Technical Review Fees: *(continued from previous page)***

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.

### **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.



**Zoning Board  
of  
Appeals  
Application**

<b>For Town Clerk's Use Only</b>	
<b>Filing Fee Received:</b>	
Administrative Appeal:	\$115.00
Special Permit:	\$115.00
Non-Conforming Use Special Permit:	\$115.00
Variance:	\$115.00
Modification to Existing Permit:	\$115.00
<b>40-B Comprehensive Permit:</b>	<b>\$575.00*</b>
*plus per unit review fees and technical/review deposit, please see attachment for details of fees required.	

- Application Type:
- |   |   |
|---|---|
| <input type="radio"/> Administrative Appeal             | <input type="radio"/> Variance                        |
| <input type="radio"/> Special Permit                    | <input type="radio"/> Modification to Existing Permit |
| <input type="radio"/> Non-Conforming Use Special Permit | <input type="radio"/> 40-B Comprehensive 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please list all applicable section(s) of the Town of Pepperell Zoning 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 \_\_\_\_\_