



**Zoning Board
of Appeals**

ZONING BOARD OF APPEALS

221 Main Street
Boylston, Massachusetts 01505
Telephone 508-869-0143

**INSTRUCTIONS TO PETITIONERS FOR A
VARIANCE
SPECIAL PERMIT
FINDING
FROM THE
BOYLSTON ZONING BOARD OF APPEALS**

INSTRUCTIONS TO PETITIONERS FOR A VARIANCE FROM THE BYLAWS

You have the right to be represented by an attorney or agent. It may be in your best interest to seek professional representation by a lawyer and/or engineer. This is your decision.

The application must be completed in all areas that apply to your case. The Board of Assessors must certify the List of Abutters as complete. Any incomplete applications will be rejected, and no Hearing will be scheduled.

The Petitioner is responsible for publishing, at the Petitioner's sole cost, the "Notice of Public Hearing" in a newspaper of general circulation in the town, listing the time, place and date of the Hearing along with the name and address of the owner of the property and the reason for the request for Variance. The legal notice must appear in the newspaper, on the same day of the week as the Hearing, for two consecutive weeks prior to the Hearing date. An actual copy of the legal notice in the newspaper from each week prior to the Hearing must be presented to the Zoning Board of Appeals at the Hearing.

A copy of the "Notice of Public Hearing" will be sent to the Petitioner, who is responsible at the Petitioner's sole cost for the notification of Abutters by Certified Mail, Return Receipt Requested. The returned receipts are to be produced and turned over to the Zoning Board of Appeals at the Public Hearing. Remember, if you fail to notify an Abutter, it is a defect in the procedure, and the Hearing may not be held. If there is any doubt as to whether or not a property owner is an Abutter, it is better to provide a Notice than to discover later that there has been a defect.

The Courts have ruled many times that in order for a valid Variance to be given, the Zoning Board of Appeals must make a finding that all of the following conditions exist:

1. There are special conditions affecting this land or building that do not affect in general the Zoning District in which the land or building is located.
2. That a literal enforcement of the Zoning Bylaws would involve substantial hardship, financial or otherwise to the Petitioner.
3. That desirable relief may be granted without substantial detriment to the public good.
4. That desirable relief may be granted without nullifying or substantially derogating from the intent of the Zoning Bylaw.

You must address each of these points in your petition, and you must be specific, i.e., if you are claiming financial hardship, you must have written documentation, appraisals, etc. Be aware that the Courts have turned down the fact you could make more money selling your property if a Variance is granted as a reason for financial hardship in the past. These reasons must relate to the property being considered, and not to any present or prospective owners.

NOTE: See M.G.L. Chapter 40A, Section 10.

You may present suggested Findings of Fact for the consideration of the Zoning Board of Appeals.

If you are aggrieved by the Decision of the Zoning Board of Appeals, you have specific statutory rights to appeal the Decision. Be aware that there are time limits for the Hearing, Decision and Appeals to the Courts. See M.G.L. Chapter 40A.

In requesting a Variance from the Boylston Zoning Bylaw, it is my/our contention that the following provisions of M.G.L. Chapter 40A, Section 10, have been satisfied on the following points for the reasons stated. (State reasons a-d on this sheet or attach an extra sheet).

- a. Special conditions affecting the land or buildings involved, but not affecting generally the Zoning District in which such land or buildings are located are:

- b. A literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise to the Petitioner for the following reasons:

- c. I/we believe that desirable relief may be granted without substantial detriment to the public good for the following reasons:

- d. I/we believe that desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of the Boylston Zoning Bylaw for the following reasons:

Attach ten (10) sets of Site Plans that include the following items to scale:

1. Metes and bounds of said land.
2. Adjoining streets and other named and identified landmarks and fixed objects.
3. Dimensional layout of all buildings.
4. Distance said buildings are set back from the various boundaries and from each other.
5. Location on Plan of all on-site existing and proposed water supply and sewerage disposal systems.
6. Exact dimensions, setbacks, and specifications of any new construction, alterations, additions, or installations including elevations with which your Petition is concerned.
7. The direction of North.
8. The name of each abutting property owner.
9. If pertinent to your Petition, describe the topography, general conditions of terrain, and results of any soil or percolation testing that has been done, and the provisions for the surface water runoff.
10. Include a copy of the Property Assessment Record, Building Record, and Land Value Computation available from the Assessor's Office.

A List of Abutters, including the abutters to the abutters within 300 feet of the property line, and owners of land directly opposite on any Public and/or Private Street and/or Way. This list shall be certified by the Boylston Board of Assessors from the most recent Tax List, and shall be attached to this Application.

A list of plans/exhibits or any documentation submitted with this Petition, and to be considered a part of this Petition. List here or attach extra sheet.

The completed Application must be delivered to the Town Clerk who will date stamp two (2) of the copies. The Town Clerk will keep one stamped copy, forward one set to the Building Inspector, and forward eight sets, including the other stamped copy, to the Zoning Board of Appeals.

The undersigned states that the information contained in, and attached to this Petition, is true and accurate, and that the Town of Boylston will be held harmless by the undersigned from any claims or judgments resulting from any misinformation given herein.

Signed this _____ day of _____, 20_____

by: _____

Please address all correspondence to: **Boylston Zoning Board of Appeals**
William Filsinger, Chairman
221 Main Street
Boylston MA 01505



ZONING BOARD OF APPEALS

221 Main Street
Boylston, Massachusetts 01505
Telephone 508-869-0143

**Zoning Board
of Appeals**

Date Received _____ Fee \$100.00 Paid _____ Check No. _____

VARIANCE PETITION

APPLICATION FOR PUBLIC HEARING

Name of Petitioner _____

Address _____

Telephone Number _____ Email _____

Location of Property _____

Petitioner is _____
(Owner, Tenant, Licensee, Prospective Purchaser)

Name of Owner _____

Address _____

Nature of Variance _____

Name of Petitioner _____

Address _____

Subject Matter of Petition _____

Applicable Section(s) of Zoning Bylaws _____

Name of Petitioner _____

Address _____

I/we hereby request a Hearing before the Permit Granting Authority with reference to the above noted Application.

Signed _____

Signed _____

Title _____

INSTRUCTIONS TO PETITIONERS FOR A SPECIAL PERMIT TO THE BYLAWS

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Where a Special Permit may be authorized by the Zoning Board of Appeals under the Bylaw (Section 6.04.06), such Board may grant, upon written application, such Special Permit if it finds among other things:

1. that the premises in question is appropriately located and reasonably adaptable to the proposed use;
2. that in Residence Districts the use will be reasonably compatible with other uses permitted as of right in the same district;
3. that the use will not be a nuisance, or a serious hazard to vehicles or pedestrians;
4. that adequate and appropriate facilities will be provided for the proper operation of the proposed use.

The Zoning Board of Appeals may request a review of the Special Permit Application by other Town Departments and agencies and their recommendations thereon. The Board may also impose certain conditions, safeguards, and limitations on time or use of the Special Permit. More detailed information regarding Special Permits can be found in Section 9 of M.G.L. Chapter 40A.

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4. Distance said buildings are set back from the various boundaries and from each other.
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6. Exact dimensions, setbacks, and specifications of any new construction, alterations, additions, or installations including elevations with which your Petition is concerned.
7. The direction of North.
8. The name of each abutting property owner.
9. If pertinent to your Petition, describe the topography, general conditions of terrain, and results of any soil or percolation testing that has been done, and the provisions for the surface water runoff.

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by: _____

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William Filsinger, Chairman
221 Main Street
Boylston MA 01505



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**Zoning Board
of Appeals**

Date Received _____ Fee \$100.00 Paid _____ Check No. _____

SPECIAL PERMIT PETITION

APPLICATION FOR PUBLIC HEARING

Name of Petitioner _____

Address _____

Telephone Number _____ Email _____

Location of Property _____

Petitioner is _____
(Owner, Tenant, Licensee, Prospective Purchaser)

Name of Owner _____

Address _____

Nature of Special Permit _____

Name of Petitioner _____

Address _____

Subject Matter of Petition _____

Applicable Section(s) of Zoning Bylaws _____

I/we hereby request a Hearing before the Permit Granting Authority with reference to the above noted Application.

Signed _____

Signed _____

Title _____

**INSTRUCTIONS TO PETITIONERS FOR A FINDING FOR A
NON-CONFORMING BUILDING, LOT, OR USE TO THE BYLAWS**

You have the right to be represented by an attorney or agent. It may be in your best interest to seek professional representation by a lawyer and/or engineer. This is your decision.

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3. Exact dimensions, setbacks, and outline drawings of any new construction, alterations, additions, or installations including elevations with which your Petition is concerned.
4. The direction of North.
5. If pertinent to your Petition, describe the topography and general conditions of the terrain.
6. Include a copy of the Property Assessment Record, Building Record, and Land Value Computation available from the Assessor's Office.

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Signed this _____ day of _____, 20_____

by: _____

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William Filsinger, Chairman
221 Main Street
Boylston MA 01505**

Applicant Name _____

Address _____

FINDING

The Boylston Zoning Board of Appeals finds/does not find that the change is not substantially more detrimental than the existing non-conforming situation to the neighborhood for the following reasons:

Boylston Zoning Board of Appeals

Date Approved _____

