



Town of Boylston – Zoning Board of Appeals

221 Main Street, Boylston MA 01505 * Telephone (508) 869-0143 * Fax (508) 869-6210

Application for Variance

Name of Applicant (primary contact): _____

Company: _____

Address: _____

Phone: _____ Other Phone: _____ Fax: _____

Email Address: _____

Name of Owner: _____

Address: _____

Daytime Phone: _____ Other Phone: _____ Evening Phone: _____

Email Address: _____

Location of Property: _____

Boylston Assessor's Tax Map Number: _____ Parcel Number(s): _____

Deed Reference – Worcester County Registry of Deeds Book: _____ Page: _____

Plan Reference – Worcester County Registry of Deeds Book: _____ Page: _____

Zoning Designation _____

Treasurer/Collector's Certification: _____

Applicant's Signature: _____ Date: _____

Owner's Signature (s): _____ Date: _____

_____ Date: _____

_____ Date: _____

Official Use Only:

Fee: \$ _____ Date Paid _____ Check# _____

Date(s) of Public Hearing(s): _____

Decision of Zoning Board: _____ Date: _____

Town Clerk's Date Stamp:

APPLICATION PROCESS

The Zoning Board of Appeals (ZBA) meets on an as-needed basis to hear applications on the following:

Comprehensive Permit

Special Permit

Variance

Extensions of Time

Findings (public hearing required, no advertisement required)

Applications must **first** be submitted electronically to the Town Planner (see contact info below), who will review the application for completeness in consultation with the ZBA Chair.

**PLEASE DO NOT SUBMIT HARD COPIES OF ANY APPLICATION MATERIALS
UNTIL DIRECTED TO DO SO BY TOWN STAFF.**

Once the Application is determined to be complete, applicants will submit hard copies of the signed application forms, supporting plans and materials, and fee payment to the Zoning Board of Appeals, Boylston Town Hall, 221 Main Street, Boylston, MA 01505 (email: ngardner@boylston-ma.gov). The number and size of the hard copies to be submitted will be determined by the Town Planner. *Please note that full-size plans must be folded, not rolled.*

The Applicant must obtain certification from the Treasurer/Collector's Office that they are up to date with all Boylston taxes and fees.

The Applicant must also obtain a certified abutters list from the Assessor's Office if a public hearing is required and provide a copy of the abutters list along with the application package.

The Town will produce and place the public notification in the Telegram and Gazette and bill the applicant for the associated fee.

The Applicant will be responsible for sending the notification to the abutters by certified mail with return receipt and then provide proof of notification to the ZBA.

For any questions or to submit an application for review, contact:

Paul Dell'Aquila, AICP

Land Use and Inspectional Services Director/Town Planner

Phone: 508-869-0143 ext. 239

Email: pdellaquila@boylston-ma.gov

PROPERTY INFORMATION

Fill in information for the Variance(s) for which you are applying. Attach additional documentation as necessary.

Address: _____

Parcel ID or MBL: _____

If more than one structure on the lot, identify relevant structure requiring relief: _____

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:		Setback required:		Setback required:	
Square footage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:		Setback required:		Setback required:	
Frontage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Off-street Parking		Height		Accessory Structure 10-foot Setback	
Parking required:		Height permitted:		Type of structure:	
Parking provided:		Height provided:		Square footage of structure:	
Relief requested:		Relief requested:		Relief requested:	
Off-street Loading		Other Variances			
Loading required:		Relief requested:			
Loading provided:		Zoning Bylaw Section:			
Relief requested:		Requirement:			
		Provided:			

If you are requesting Variances for more than one structure or lot, provide this sheet for each structure/lot. Only complete the sections pertaining to the Variances (s) you are applying for.

PROPOSAL DESCRIPTION

The applicant seeks to (Describe what you want to do on the property in as much detail as possible):

Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (Provide dates of previous approvals, book and page numbers, and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions:

Does the structure, lot, or use otherwise conform with the current Boylston Zoning Bylaw? If not, please specify when the structure, lot, or use first became non-conforming. Provide evidence that shows the size of the structure of the date of first non-conformance. Additionally, list and describe all additions to the structure or changes to the lot or use subsequent to the first non-conformance.

List any additional information relevant to the requested Variance(s):

FINDINGS OF FACT

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 (1-4) on this sheet or attach an extra sheet).

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

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

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

4. 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:

NEXT STEPS AFTER APPROVAL

1) Obtain a CERTIFIED COPY of the approved DECISION from the Boylston TOWN CLERK's office:

Notice of the decision is distributed to the applicant and abutters and will contain the date of filing with the Town Clerk. After the 20-day appeal period (beginning the date the decision was first filed with the Town Clerk's office) has expired, the applicant may obtain a certified copy of the approved decision from the Town Clerk. *Note: The certified decision will state if an appeal was filed against the project.*

Boylston Town Clerk, Town Hall, 211 Main Street, Boylston, MA 01505
Hours: Monday- Thursday 8:00am - 2:00pm & Monday evenings 6:00pm – 8:00;
Closed on State or Federal Holidays; 508-869-2234 or dporter@boylston-ma.gov

2) RECORD the CERTIFIED COPY of the approved DECISION at the REGISTRY OF DEEDS (prior to use):

Provided there has been no appeal, you must bring the certified copy of the decision to the Worcester District Registry of Deeds and have the decision recorded against the property's title/deed for the decision to be valid.

Worcester District Registry of Deeds, 90 Front Street, Suite C201, Worcester, MA 01608
Recording Hours: Monday – Friday 9 am to 4 pm; Closed on State or Federal Holidays
508-368-7000 or <https://massrods.com/worcester/>

Note: Your Decision MUST BE RECORDED PRIOR TO USE of any approved Variance(s)

3) Satisfy any CONDITIONS of approval, if applicable:

If your petition is approved with conditions requiring revised plans or supplemental information, all final revised plans and associated information must be received and approved by the Department of Land Use and Inspectional Services prior to issuance of a building and/or occupancy permit. Conditions of Approval may additionally require submission of documentation during or after completion of construction. It is the applicant/owner's responsibility to be aware of the conditions of approval to ensure that they comply with the conditions to avoid delays in issuance of permits and/or enforcement actions for non-compliance.

If you are unsure of the conditions of your application's approval, please contact the **Department of Land Use and Inspectional Services** for clarification. These are included in the decision (generally toward the end of the document before the signature page).

4) Begin USE/CONSTRUCTION as permitted by the Decision ONLY AFTER Receipt of appropriate Permits from Other Town Departments (Building Department, Board of Health, etc.).

***Note: The Town of Boylston, by this document, does not provide legal advice.
Questions about Variances should be directed to your legal counsel.***

OTHER QUESTIONS

When Will My Permit EXPIRE?

Per Massachusetts General Law, Ch. 40A, §10, the rights authorized by a Variance are valid for two (2) years from the date the decision was filed with the Town Clerk. Two (2) years after filing of the decision with the Town Clerk the Variance will expire unless it has been acted/relied upon (e.g., building permit submitted, construction commenced, etc.). Questions about permit validity and what constitutes “action” in a particular case should be directed to the Town Planner at pdellaquila@boylston-ma.gov or 508-869-0143 x239.

HOW DO I EXTEND the Rights Granted by MY VARIANCE?

One may apply for an **Extension of Time** for an approved Variance which has not been acted upon and will otherwise expire. An **Extension of Time application must be filed** with the Zoning Board of Appeals **within two years of the date of final action (date of filing with the Town Clerk)**. The ZBA may extend the rights of the Variance for a maximum of six (6) months upon the filing of an extension request (new notice to abutters, public hearing, and decision by the Board). *Note: If an approval has expired it cannot later be extended, it must instead be newly considered.*

Applications for an Extension of Time for a Variance granted by the ZBA is available on the ZBA’s webpage: <https://www.boylston-ma.gov/zoning-board-appeals>

What Happens if My Variance EXPIRES?

Expired Permits: After expiration, Variance(s) may only be re-established through submission of a new filing to the Zoning Board of Appeals. *Note: a new filing consists of the same process as the original application filing (i.e., notification to abutters, a public hearing, and the ZBA reconsidering said relief, pursuant to the Boylston Zoning Bylaw).*

New Filings: A copy of the most current Variance Application is available on the ZBA’s webpage: <https://www.boylston-ma.gov/zoning-board-appeals>

Other Resources:

The Town of Boylston Zoning Bylaws and Zoning Map are available online on the ZBA’s webpage: <https://www.boylston-ma.gov/zoning-board-appeals>