

Franklin Zoning Board of Appeals
Instructions for the Filing of Petitions
Amended 12/02

1. All petitions to the Zoning Board of Appeals must be completely filled out, reviewed, and approved for completeness by the Building Commissioner.
2. The approval forms (including applicable items in #3) shall be filed with the Town Clerk in Accordance with M.G.L. Chapter 40A. The Zoning Board of Appeal's Office will manage this.
3. Petitioners shall file eight (8) packets consisting of the following
 - a. The petition form, one (1) original petition and seven (7) copies of the petition.
 - b. Eight copies of the Deed showing record owner of property, or purchase and sale agreement, or other evidence of standing to file the petition;
 - c. Eight original wet stamped & signed, Certified Surveyor's plot plan of subject property, 8 1/2" paper size preferred, consisting/showing:
 - 1) All lot dimensions, including all structure corner dimensions;
 - 2) Proposed building and structures with respective dimensions including all distances from lot lines;
 - 3) North arrow;
 - 4) Topography (existing and proposed) if needed;
 - d) Inspector's decision (if an appeal there from);
 - e) Any relevant permit application or other information
4. One copy of the Abutter's List attached to the original petition. This is procured from the Assessor's Office. All property owners within a radius (to be determined by applicant) of the subject parcel are notified by certified mail of hearing date. Notifications is completed by the Zoning Board of Appeal's Office.
5. NO PETITION WILL BE DEEMED TO HAVE BEEN PROPERLY FILED UNLESS ALL STEPS ABOVE ARE IN COMPLIANCE.

6. Filing Fee's and Deadlines:

If the work to be done is valued at less than \$2,500.00 for residential the filing fee is \$100.00 per zoning relief requested. If the work to be done is valued at \$2,500.00 or more and is for residential, then the filing fee is \$200.00 per zoning relief requested. If the work to be done is for commercial, industrial or business then the filing fee is \$350.00 per zoning relief requested. The material listed in #3 (above) and the appropriate filing fee must be filed with the Board of Appeal's Office (through the Building Department) and the Zoning Board of Appeal's Secretary will have it stamped by the Town Clerk's Office.

A schedule of Board of appeal's meetings may be obtained from the Inspection Department either in person or by mail.

7. Your and/or your authorized agent's attendance and presentation at the Public Haring is required or the petition may be denied.
8. At the Public Hearing, the petitioner or authorized agent must be prepared to do the following:
 - a) If the appeal is from the Building Inspector's decision about the issuance of a building permit, you need to establish that the decision is wrong according to the Zoning By-Laws.
 - b) For a Special Permit, establish that the specific requirements of the Zoning By-Laws (and any other relevant sections) are met.
 - c) For a variance, establish that the three requirements of M.G.L. Ch 40A, Section 10 are met. These three requirements are:
 - 1) Owing the circumstances relating to soil conditions, shape or topography of the petitioner's land or structure(s) are especially affecting such land or structure(s), but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-Laws (that is to say, failure to grant the variance) would prevent use of the land as zoned.
 - 2) The variance may be granted without detriment to the public good.
 - 3) The variance may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Laws.

NOTE: ALL VARIANCES AND SPECIAL PERMITS MUST BE RECORDED AT THE REGISTRY OF DEEDS BEFORE THEY BECOME EFFECTIVE. (See M.G.L. Ch. 40A, Sect. 11).

Steps required for the Petitioner to process an approved Special Permit or Variance in order to get a building permit:

- 1) ZBA files its decision with the Town Clerk within 14 days of making its decision.
- 2) Anytime after the 20th calendar day from the date on which the decision is filed with the Town Clerk, the petitioner or agent must pick up 2 copies of the following from the Town Clerk:
 - a. An attested copy of the Decision
 - b. A statement from the Town Clerk certifying that no appeal has been filed
- 3) Both copies of 2 a and b must be taken to the Norfolk Registry of Deeds to be recorded (either with a book and page or time-stamped)
- 4) Bring back to the Building Office (to be attached to your building permit application) a copy of 2 a. and b.

The address of the Registry of Deeds is:

Norfolk Registry of Deeds
Recording Desk
649 High Street
Dedham, MA 02026
(781)461-6122
Recording Hours: 9:00 A.M. to 4:00 P.M.

VARIANCES

Rights Authorized by Variance Must be Exercised Within 1 Year

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

Added by St. 1975, c. 808, s. 3; Amended by St. 1977, c. 829, s. 4b; St. 1984, c.195.

SPECIAL PERMITS

Zoning ordinances or by-laws shall provide that a special permit granted under this section shall lapse within a specified period of time, not more than two years, which shall not include such time required to pursue or await the determination of an appeal referred thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.