

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 Hearing 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.

Town of Franklin – Board of Assessors
355 East Central Street
Franklin, MA 02038
Tel # 508-520-4920
Fax # 508-520-4923

Abutters List Request Form

Please Note: A \$35.00 fee per list is required to process your request. Payment is due at the time of submission of this form. Please allow 10 days from the date of both payment and submission of the form for the Assessors office to complete processing your request. (Revised 1-1-25)

Date of Request ____ / ____ / ____

Assessors Parcel ID # (12 digits) _____ - _____ - _____

Property Street Address _____

Distance Required From Parcel # listed above (Circle One): **500** **300** **100**
(Note: if a distance is not circled, we cannot process your request)

Property Owner _____

Property Owner's Mailing Address _____

Town/City _____ State ____ Zip Code _____

Property Owner's Telephone # _____ - _____ - _____

Requestor's Name (if different from Owner) _____

Requestor's Address _____

Requestor's Telephone # _____ - _____ - _____

Office Use Only: Date Fee Paid ____ / ____ / ____ Paid in Cash \$ ____.

Paid by Check \$ _____ Check # _____ Town Receipt # _____

Please Circle One:

Administration Conservation Planning Zoning Board of Appeals

TOWN OF FRANKLIN ZONING BOARD OF APPEALS

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: _____ PRESENT USE/OCCUPANCY: _____

LOCATION: _____ ZONE: _____

PHONE: _____ REQUESTED USE/OCCUPANCY: _____

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>Lot Area:</u>	_____	_____	_____	(min.)
<u>Continuous Frontage:</u>	_____	_____	_____	(min.)
<u>Size of Lot:</u>	Width	_____	_____	(min.)
	Depth	_____	_____	(min)
<u>Setbacks in Feet:</u>	Front	_____	_____	(min.)
	Rear	_____	_____	(min.)
	Left Side	_____	_____	(min.)
	Right Side	_____	_____	(min.)
<u>Building Height:</u>	Stories	_____	_____	(max.)
	Feet	_____	_____	(max.)
<u>NO. of Dwelling Units:</u>	_____	_____	_____	(max.)
<u>NO. of Parking Spaces:</u>	_____	_____	_____	(min./max)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH ZONING BYLAW SECTION 185-45 (D) (2) (6) AND MGL 40A, SECTION 10:

A) A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

C) Desirable relief may be granted without either:

1) Substantial detriment to the public good for the following reasons:

2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:

If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.



ZBA APPLICATION FORM
SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria in accordance with Zoning Bylaw Section 185-45(D) (2) (a) referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits for which additional criteria must be met under the Zoning Bylaw.

185-45(D) (2) (A) **BOARD OF APPEALS:** TO HEAR AND DECIDE APPLICATIONS FOR SPECIAL PERMITS UPON WHICH THE BOARD IS EMPOWERED TO ACT UNDER THIS CHAPTER. SPECIAL PERMITS SHALL BE GRANTED BY THE BOARD OF APPEALS ONLY UPON ITS WRITTEN DETERMINATION THAT THE PROPOSED USE WILL NOT HAVE ADVERSE EFFECTS WHICH OVERBALANCE ITS BENEFICIAL EFFECTS ON EITHER THE NEIGHBORHOOD OR THE TOWN, IN VIEW OF THE PARTICULAR CHARACTERISTICS OF THE SITE AND OF THE PROPOSAL IN RELATION TO THAT SITE. THIS DETERMINATION SHALL BE IN ADDITION TO THE FOLLOWING SPECIFIC FINDINGS:

- (1) Proposed project addresses or is consistent with neighborhood or Town need.

- (2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

- (3) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

- (4) Neighborhood character and social structure will not be negatively impacted.

- (5) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.

- (6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

- (7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.