

# **ZONING BOARD OF APPEALS CHECKLIST**

## **CONTENTS OF A PETITION FOR A VARIANCE/APPEAL AND/OR SPECIAL PERMIT**

### **CHECK**

- 1. An **ORIGINAL & FOURTEEN (14)** copies of the Petition Packet which contains the following:
  - ❖ A **COMPLETED Petition for Variance, APPEAL** and/or **Special Permit** Application Form.
  - ❖ A **Certified List of “Abutters”** – signed by **Assessor.**
  - ❖ **Completed Findings of Fact.**
  
- 2. A **SITE PLAN** or **Registered Land Surveyors taped Survey** showing all dimensions attached to each Application showing abutters, dimensions and relief required. This is subject to the discretion of the ZBA.
  
- 3. Two (2) stamped, addressed envelopes for each Party listed on the Certified Abutters list, two (2) stamped addressed envelopes for the petitioner and two (2) stamped envelopes for all planning boards listed on next page. Envelopes must be # 10 size.
  
- 4. 14 copies of Assessors map with subject property highlighted.
  
- 5. Fee – of **\$300.00 in two checks, one for \$150.00 made payable to the Town of Charlton and one for \$150.00 made payable to the Stonebridge Press Inc.**

\* Please make sure you have included all of the items above so that there will be no delays. If you are missing information your packet will be returned to you until it is complete.

## **Planning Board list of surrounding towns**

Town of Spencer  
Planning Board  
157 Main Street  
Spencer, MA 01562

Town of Southbridge  
Planning Board  
41 Elm Street  
Southbridge, MA 01550

Town of East Brookfield  
Planning Board  
Memorial Town Complex  
122 Connie Mack Drive  
East Brookfield, MA 01515

Town of Sturbridge  
Planning Board  
Center Office Building  
301 Main Street  
Sturbridge, MA 01566-1078

Town of Leicester  
Planning Board  
3 Washburn Square  
Leicester, MA 01524

Town of Oxford  
Planning Board  
325 Main Street  
Oxford, MA 01540

Town of Dudley  
Dudley Planning Board  
71 West Main Street  
Dudley, MA 01571

## **IMPORTANT – PLEASE NOTE**

Once a Variance, Special Permit or any extension, modification or renewal thereof is approved, signed and filed with the Town Clerk, the petitioner, after twenty (20) (calendar) days appeal period has expired, **must obtain** a certified copy of the decision from the Town Clerk's Office (Charlton Municipal Building). Upon obtaining the certified copy of the decision, the petitioner must bring a copy of same to the Worcester District Registry of Deeds, have the decision recorded with the original deed. Your decision is not valid until it has been Recorded and a copy returned to **THE ZONING BOARD OF APPEALS**

**EXHIBIT "A"**

**TOWN OF CHARLTON  
ZONING BOARD OF APPEALS PETITION**

The undersigned respectfully petitions the Zoning Board of Appeals for the following:

(Choose appropriate request(s) and fill in accordingly)

1. **VARIANCES**

**Check for relief**

A. Dimensional Variance

1. Gross Dimensional Variance

Square Footage of proposed relief

\_\_\_\_\_

\_\_\_\_\_

Square Feet

2. Variance from Side Yard setback

Measurement of proposed relief

\_\_\_\_\_

\_\_\_\_\_

Feet    Inches

3. Variance from Frontage requirement

Measurement of proposed relief

\_\_\_\_\_

\_\_\_\_\_

Feet    Inches

4. Variance from Rear Yard setback

Measurement of proposed relief

\_\_\_\_\_

\_\_\_\_\_

Feet    Inches

5. Variance from Front Yard setback

Measurement of proposed relief

\_\_\_\_\_

\_\_\_\_\_

Feet    Inches

B. Other Variance

1. What provision of the Zoning Board Bylaw do you want a variance from?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. SPECIAL PERMIT**

A. For residential use:

1. New residential construction or conversion to additional dwelling units. \_\_\_\_\_

2. Number of units proposed. \_\_\_\_\_

B. For non-residential use:

1. New construction, reconstruction or conversion to non-residential use. \_\_\_\_\_

2. Square footage of proposed relief. \_\_\_\_\_  
Square Feet

C. Waiver of parking/loading requirements:

1. Number of spaces for which relief is requested \_\_\_\_\_  
Spaces

2. Waiver of landscaping or barrier requirement  
Square footage of proposed relief. \_\_\_\_\_  
Square Feet

D. Expansion or change of a non-conforming use/structure \_\_\_\_\_

E. Sign/Signs \_\_\_\_\_

F. Other Special Permit:

1. Describe Special Permit sought \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. ADMINISTRATIVE APPEAL**

Define what action or decision (attached) you are appealing from and the relief you seek from this Board.

**4. AMENDMENT TO EXISTING VARIANCES OR SPECIAL PERMITS**

**5. EXTENSION OF TIME**

**ALL APPLICANTS: PLEASE COMPLETE QUESTIONS 1 THRU 6**

In requesting the above special permit(s), variance(s), appeal, amendment, extension, the undersigned states as follows: (\*delete inapplicable terms)

1. That he/she is the owner(s), lessee(s), optionee(s) of certain premises situated at \_\_\_\_\_ Charlton, Massachusetts.

That the record title stands in the name of \_\_\_\_\_, whose address(es) is/are \_\_\_\_\_, by deed duly recorded in the Worcester District Registry of Deeds, Book(s) \_\_\_\_\_, Page(s) \_\_\_\_\_, Assessors Map \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_.

2. The property is situated in a district classified under the Town of Charlton Zoning Bylaw as \_\_\_\_\_,

3. Presently located on the property is \_\_\_\_\_

4. The petitioner seeks to \_\_\_\_\_

(Describe what you want to do on the property).

5. Such a use is prohibited under the Town of Charlton Zoning Bylaw under \_\_\_\_\_

(insert Article, Section(s) and paragraph numbers of the Zoning Bylaw which prohibits the proposed use of the property).

Because \_\_\_\_\_

(Explain how the proposed use violates the Zoning Bylaw).

6. WHEREOF, the petitioner asks that this Board grant the special permit(s), variance(s), appeal(s), amendment(s), extension(s), as requested above. (\*delete inapplicable terms).

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(e-mail)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Date)

**REQUESTS FOR FINDINGS OF FACT IN SUPPORT OF PETITION FOR  
A VARIANCE, SPECIAL PERMIT AND/OR APPEALS**

❖ **ALL APPLICANTS: PLEASE COMPLETE QUESTIONS 1 THRU 5 THEN FOLLOW INSTRUCTIONS AT BOTTOM OF PAGE.**

The Charlton Zoning Board of Appeals having conducted a public hearing and reviewed all the submitted evidence finds that:

**FINDINGS:**

1. The petitioner(s), \_\_\_\_\_, whose address is \_\_\_\_\_, is/are the owner(s), lessee(s), optionee(s) [\*delete inapplicable terms] of certain land situated at \_\_\_\_\_ in the Town of Charlton and more particularly described in a deed recorded with the Worcester District Registry of Deeds, Book \_\_\_\_\_, Page\_\_\_\_\_.  
(If the petitioner is not the owner, complete the following):  
The owner of said land is \_\_\_\_\_, whose address is \_\_\_\_\_  
\_\_\_\_\_
2. Said land is situated in a district classified under the Town of Charlton Zoning Bylaw as:  
\_\_\_\_\_
3. Presently located on the premises is \_\_\_\_\_  
\_\_\_\_\_
4. The petitioner(s) desire(s) to use said premises as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. (If applicable) The petitioner(s) duly applied for a building permit to use said site for said purpose but was/were refused for non-compliance with the Zoning Bylaw.

**FOR A VARIANCE COMPLETE QUESTIONS 6 THRU 10 ON PAGE 6 ONLY**

**FOR A SPECIAL PERMIT COMPLETE QUESTIONS 11 THRU 23 ON PAGES 7,8, & 9 ONLY.**

**FINDINGS OF FACT FOR A VARIANCE ONLY**

6. A literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner(s) for the following reasons:

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7. Said substantial hardship is owing to circumstances relating to the soil condition, shape or topography of such land or structures for the following reasons:

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8. Said substantial hardship especially affect said land or structures, but does not affect generally the zoning district in which it is located, for the following reasons:

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9. Desirable relief may be granted without detriment to the public good for the following reasons:

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10. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Town of Charlton Zoning Bylaw, for the following reasons:

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❖ **STOP HERE FOR VARIANCE APPLICATIONS**



**FINDINGS OF FACT FOR A SPECIAL PERMIT ONLY**

11. The proposed use is in harmony with the general purpose and intent of the Town of Charlton Zoning Bylaw for the following reasons:

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12. The specific site is an appropriate location for the proposed use for the following reasons:

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13. The proposed use as developed will not adversely affect the neighborhood for the following reasons:

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14. There will be no nuisance or serious hazard to vehicles or pedestrians for the following reasons:

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15. Adequate and appropriate facilities will be provided for the proper operation of the proposed use for the following reasons:

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16. The proposed use will conform to any special requirements provided in Article IV, Section 9, (“Regulatory Provisions for all Districts”) of the Zoning Bylaw.

17. (\*Applicable to a request for extensions or alteration of a pre-existing, non-conforming structure or use). The requested change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood for the following reasons:

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18. Grant of the requested Special Permit is authorized by Section \_\_\_\_\_ of the Town of Charlton Zoning Bylaw.

**FINDINGS OF FACT FOR A SPECIAL PERMIT ONLY**

19. (\*Applicable to a request for multi-family residential use in a non-residentially zoned area). The public good would be served by grant of the Special Permit for the following reasons:

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20. (\*Applicable to a request for multi-family residential use in a non-residentially zoned area). The non-residentially zoned area will not be adversely affected by the requested residential use for the following reasons:

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21. (\*Applicable to a request for multi-family residential use in a non-residentially zoned area). The permitted use in the non-residentially zoned area is not noxious to a multi-family use for the following reasons: \_\_\_\_\_

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22. (\*Applicable to a proposed accessory use necessary to a permitted use in connection with scientific research or scientific development or related production). The proposed accessory use does not substantially derogate from the public good for the following reasons:

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23. (\*Applicable to a request for a cluster development). Open land for cluster development shall be conveyed to (\*strike out the inappropriate clauses): (\*The Town of Charlton for its acceptance for park or open space use). (\*\_\_\_\_\_, which is a non-profit organization whose principal purpose is the conservation of open space; (\*\_\_\_\_\_, which is a corporation of trust owned or to be owned by the owners of lots or residential units within the land.

# APPEALS

**DATE:** \_\_\_\_\_

**Appeal From:** \_\_\_\_\_

\_\_\_\_\_

**SIGNED** \_\_\_\_\_

# REQUEST FORM FOR ABUTTERS LIST FROM ASSESSORS OFFICE

Min. \$10.00

\*5 days notification is required to prepare list.

Faxed documents require payment in advance

This form is to be completed in full, signed and submitted to the Assessors office to request a Certified Abutters List.

**Date Requested:** \_\_\_\_\_

**Date Needed:** \_\_\_\_\_

**Subject Property:** Owner \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Assessors ID# Map, Block, Lot \_\_\_\_\_

**Department Requesting List:**

- Planning Board
- Zoning Board of Appeals
- Conservation
- Board of Selectmen
- Zoning Enforcement
- Other

**Requesting Abutters list for:**

- 100' from subject property
- 200' from subject property
- 300' from subject property
- other: Please specify # of feet: \_\_\_\_\_

Reason for Abutter List: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

- Prepaid
- Pick Up
- Fax .....Fax # \_\_\_\_\_
- Mail .....Address: \_\_\_\_\_  
\_\_\_\_\_