

Notes From the Commish

The Zoning Alphabet

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As promised last time, the zoning alphabet; points, ideas, thoughts, or regulation can be represented by each letter.

Appeal: Relief from an order or decision of the Zoning Enforcement Officer heard by and decided by the Zoning Board of Appeals.

Buildable lot: A parcel of land that meets or exceeds the frontage, area and upland requirements for the zoning district is located that will allow the issuing of a building permit for the erecting of a structure on it.

Constructive approval: If the Zoning Board of Appeals fails to render a decision within one hundred days after the date of the filing of an appeal, application or petition, except in regard to special permits, shall be deemed to be the grant of the appeal, application or petition. MGL c. 40A § 15

Determination: The Zoning Board of Appeals in order to allow a change, alteration or extension must determine that the change, alteration or extension, will be not be detrimental to the neighborhood.

Effective Date: The town of Charlton adopted comprehensive zoning at the annual Town Meeting April 4, 1987, at this time all previous Zoning Bylaw were rescinded. The effective date is important because from this date we determine pre-existing nonconforming status, and other special exceptions for legally created parcels or uses.

Frontage: The portion of the property that abuts a way open and accessible to the public, such as an accepted street, subdivision road, or private road, the road may or may not be paved.

Grandfathered: A commonly misused term that has no legal meaning. See Pre Existing Nonconforming.

Hearing: The public meeting where the applicant and if there is one, the defendant, presents their case before the members of the Zoning Board of Appeals. The Board may also hear testimony from the Zoning Enforcement Officer, abutters, other Town Boards and Commissions, and other interested parties. After the public portion of the hearing, the Zoning Board of Appeals deliberates and votes on motion that will be the decision of the Board.

Intensity of use schedule: Section 3.2.4 of the Zoning Bylaw, which is a listing of the minimum requirements for buildable lots that includes; size, frontage and set backs for structures in the various zoning districts.

Junkyard: There are a number of preexisting non conforming junkyards in Town; they may remain as long as their use does not intensify (increase). New junkyards are limited to Industrial General Zones with site plan review by the Planning Board. IG zones are located in areas with limited residential development near them.

Kumquat: A tree or shrub that bears a small edible fruit. (I tried, but could find noting)

Lot: a parcel (piece) of real property (land) that has shape and area, most often described in deed by a series of metes and bounds that identify the locations shape and area of the parcel.

Metes and bounds: (meets and bounds) a surveyor's description of a parcel of real property, using carefully measured distances, angles, and directions, which results in what is called a "legal description" of the land, as distinguished from merely a street address or parcel number.

Non-Conforming: A structure or use which was legally conforming to the Zoning Bylaw, if any, at the time of construction or the starting and continuation of the use but does not now conform to the presently applicable Zoning Bylaw(s) for the district it is located.

Opinion: When asked a question the Zoning Enforcement Officer gathers relevant information regarding the alleged violation, allowably of a proposed use in a certain zoning district, the buildability of a parcel of land and formulates and answers to the question at hand. The answer is the opinion of the Zoning Enforcement Officer and may be appealed by and aggrieved party. MGL c. 40A §§ 8, 14

Plot plan: A scaled graphic rendering of the parcel showing the boundaries, location of structures or proposed structures, wells, wetlands and other important features on or near the property.

Quasi-Judicial: An administrative public agency or body whose actions are discretionary. The Zoning Board of Appeals is not a court of law rather a Quasi-Judicial body that is obliged to investigate or ascertain facts and draw conclusions from them as tribunal; they render a decision or action from the facts placed into evidence at a public hearing.

Relief: the applicants request to the Zoning Board of Appeals, such as seeking to overturn the Zoning Enforcement Officer's decision or interpretation of the Zoning Bylaw, allowing a use to be carried out on a property, granted after a hearing.

Special Permit: Permission to do, continue to do, expand or exceed what is allowed under the Zoning Bylaw, see Determination, a type of relief. This requires a hearing.

Trailer: A wheeled, roofed, vehicle with out motor power, designed to be drawn by a motor vehicle and to be used for habitation, business or recreational use. Not to be confused with a mobile home or a modular home, which is intended to be set on a permanent foundation. In the case of a fire or other catastrophe, a trailer may be used as a temporary residence for up to twelve months.

Use regulation: Section 3.2 of the Zoning Bylaw, which is a table showing the many uses for property in the various zoning districts and whether the specific use is permitted or not, or requires a site plan review or Special Permit. If the proposed use does not ready fit any of the categories in the Use table it is not allowed.

Variance: The lessening of a requirement, most often the setback (distance from) of a structure or other feature from the property line. This requires a hearing.

Wind Energy Conversion System: A wind turbine, tower and controls intended to provide power primarily for on site uses. Regulated by the site plan review process through the Planning Board to promote safe, effective and efficient alternative energy sources.

X-Ray: As with the Building Code Alphabet, my x-ray vision glasses do not reveal zoning violations hidden by opaque materials.

Yard: Where the kids play. In zoning the unoccupied area between the front side and rear of the house and/or structures on the property, having minimum distances described as setbacks from the properly lines.

Zoning Board of Appeals: Five members and two alternate members serving staggered five year terms, appointed by the Board of Selectmen to hear appeal of decisions and/or fail to act by the Zoning Enforcement Officer, decide applications for special permits upon which the board is empowered to act under said ordinance or by-laws, and to hear and decide petitions for variances. MGL c. 40A § 14

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