Joseph C. Sullivan
Mayor

Department of Planning & Community Development

Zoning Board of Appeals

1 JFK Memorial Drive
Braintree, Massachusetts 02184

BOARD OF APPEALS UNDER THE ZONING BYLAWS BRAINTREE, MASSACHUSETTS

INSTRUCTIONS FOR FILING APPLICATIONS

Please read entire package before submitting application to the Planning Department

All application packages must be received at least thirty (30) days prior to the next scheduled Zoning Board of Appeal (ZBA) meeting. Meetings are scheduled on the 4th Tuesday of the month and begin at 7:00 P.M. (Notices will be mailed with correct time and date).

Materials needed to apply for variance or finding

- ZBA Application completed and signed in applicable sections.
- Certified Abutters List.
- Two (2) sets of stamped envelopes addressed to the Certified Abutters List *(Please do not put return address on envelopes, as Town will do that).*
- Copy of the latest Tax Bill (If applicant is new to the property and has not yet received a tax bill, a copy of the purchase and sales agreement may be substituted).
- Ten (10) copies of a Stamped Certified Plot Plan, newly prepared by a Registered Land Surveyor, locating by instrument, existing and proposed conditions along with plans which will accurately describe the project including Architectural Elevations, Floor Plans and existing conditions documentation as deemed necessary by the Zoning Administrator.
- Check for $200.00 made payable to "Town of Braintree"
- Completed Gatehouse Media New England advertisement agreement.

For more information or questions, contact:

Jeremy Rosenberger
Zoning Administrator
Town of Braintree
1 JFK Memorial Drive
Braintree, MA 02184
P: 781-794-8236
E: jrosenberger@braintreema.gov

When completing the appeal application, please be sure to provide all required information and print clearly where required. It is important to indicate on the application what type of relief is being requested with this application in the form of a “Finding” a “Variance” or both.

FINDING – A “Finding” may be sought by a property whose “Use” is conforming, and any proposed extension or addition will not increase the existing non-conforming dimensional status i.e. the addition of a second floor over the existing dwellings footprint .

VARIANCE – A “Variance” is required to vary any provision of the Town Zoning Ordinances other than those covered by a “Finding” Please note that “Use Variances” are not allowed.

BOTH – There may be instances in which both a “Finding” and a “Variance” are required i.e. a vertical addition to a dwelling which does not conform to the setback requirements for its Zoning District but will not encroach beyond existing limits, however this same addition exceeds established height limits. In this instance a “Finding” would be needed to maintain present off sets to property lines and a “Variance” to vary the height limitations.

This list identifies all “Parties of Interest” which are owners of land within three hundred (300’) feet of the subject property.

- The Certified Abutters List can be obtained from the Town Assessors Office, located on the first floor of Town Hall*. Please note that there may be a waiting period for this certification process.*
- When contacted by Town Assessors, please pick up abutters list and keep it together with the balance of the application material.

Once all required information necessary for filing the appeal is completed, deliver to:

Planning and Community Development Department
Braintree Town Hall
1 JFK Memorial Drive
Braintree, MA 02184

- Office hours are 8:30 a.m. to 4:30 p.m. Monday – Friday. *Please note that all appeals must be received by no later than **12:00 noon** on the close out day listed on the appeal schedule in order to be heard by the Zoning Board of Appeal on the following months date. If the appeal application is incomplete or wrongfully advertised for any reason the application will be re-advertised and scheduled for the next ZBA hearing.*
- Once a completed appeal package is received by the Planning Department, the application will be reviewed by the Zoning Administrator and filed with the Town Clerks Office.

- Notice of the hearing describing the name of the applicant, address of property and intent of the appeal, along with date, time and location of the hearing will be sent to the applicant as well as all abutters by the Town. It is highly suggested that applicants contact those persons listed on the abutters list prior to the hearing to provide more specific information regarding their appeal.
- A legal notice of the hearing will also appear in the local newspaper. *Please note that the Town will arrange for this advertisement. However the applicant will be responsible for the cost of the advertisement which will be billed directly to the applicant by the newspaper.*

- Two weeks prior to the ZBA hearing, all ZBA applications go before the Town's Planning Board for review, resulting in a recommendation which is forwarded to the ZBA. Applicants are notified by the Planning Department as to the date, time and location of this Planning Board hearing. Applicants are encouraged asked to attend in the event the Planning Board requires further information from the Applicant prior to making their recommendation.

- The applicant or an authorized representative must be present at the appeals hearing.
- During the appeals hearing, the applicant or authorized representative will be asked to appear before the ZBA and to describe in detail what is being sought by the appeal. Plans, photographs, letters of support and any additional materials may be submitted to the ZBA at this time for their consideration.
- After the applicant or authorized representative address the Board, those in attendance will be asked if they would like to speak in favor or opposition to the appeal, after which time the Board will discuss the appeal and render a verbal decision of either approval or disapproval of the appeal. Please note that if the Board disapproves the appeal no similar appeal may be made to the Board for a period of two years.

- Once a verbal decision is made by the ZBA, a written decision, signed by the presiding ZBA members is prepared and filed with the Town Clerks Office no later than fourteen (14) days after the appeal hearing. This appeal is kept in the office of the Town Clerk for a period of twenty (20) days during which time any person aggrieved by the decision of the Board may file an appeal with the courts.
- After the twenty (20) day appeal period has expired, an applicant may obtain a certified copy of the appeal decision from the Town Clerks office. This decision must be filed at the Norfolk County Registry of Deeds, 649 High Street, Dedham, MA. Please note there is a recording fee charged by the Registry for recording this decision.
- In order to obtain a building permit following this process, a copy of the decision and proof of recording must be provided to the Building Division along with all other necessary Building Permit information. Questions regarding any portion of these instructions may be made to the Building Division at 781-794-8070.