Department of Municipal Licenses and Inspections

Zoning Board of Appeals

90 Pond Street – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

BOARD OF APPEALS UNDER THE ZONING BY-LAWS
BRAINTREE, MASSACHUSETTS

RULES AND REGULATIONS FOR FILING APPLICATIONS

Please read entire package before submitting application to the Building Division

Processing of Appeals Applications: All application packages must be received at least thirty (30) days prior to the next scheduled Zoning Board of Appeal meeting and in accordance with the accepted schedule of the Zoning Board for the year in which the hearing is to occur, as posted in the Building Division Office. Meetings are scheduled on the 4th Tuesday of the month and begin at 7:00 P.M. (Notices will be mailed with identifying date, time and location of hearing).).

Materials needed to apply for variance or finding

- Appeal Application completed and signed in applicable sections.
- Certified Stamped Abutters List.
- Stamped addressed envelopes of abutters in order they appear on the certified abutters list including an envelope with the applicants name and address.
  (Please do not put return address on envelopes as Town will do that).
- Copy of the latest Tax Bill to establish that the applicant has ownership of the property and a right to represent the same before the Zoning Board of Appeals (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 or if the applicant is a representative of the owner, a letter signed by the property owner authorizing the representative to act on their behalf).
- Thirteen (13) sets of plans including 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 and Floor Plans as deemed necessary by the Building Official .
- Zoning Computation Form identifying specific areas of compliance and non-compliance with the Town of Braintree Zoning Bylaws.
- Check for $200.00 made payable to "Town of Braintree"
- Completed Gatehouse Media New England advertisement agreement.

Materials needed to apply for interpretation

- Individuals applying for an interpretation of the Building Inspector are **NOT** required to provide a Tax Bill, Plot Plan or Zoning Computation Form but are encourage to provide any information that they feel may assist the Zoning Board of Appeals in forming an opinion.

Appeal Application:

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", both or Interpretation.

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 then 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.

INTERPRETATION OF THE BUILDING INSPECTOR – A request for an interpretation of an action of the Building Inspector would be sought by an individual when an individual disagrees with the Building Inspector's interpretation or application of the Town's Zoning Bylaws.

Abutters List:

This list identifies all "Parties of Interest" which are owners of land directly opposite on any public or private street or way as well as persons whose property abuts (touches) the subject property and their abutters providing that any abutter to an abutter is within three hundred (300') feet of the property which is the subject of the appeal.

- In order to prepare the abutters list, use the Assessors Maps and Corresponding Books containing ownership information (names & addresses). This material may be found at the Building Division located at 90 Pond Street, Second Floor.
- When the abutters list is completed, bring the list to the Town Assessors Office, located on the first floor of Town Hall (I JFK Memorial Drive) for certification and stamping. **Please note that there may be a waiting period of two weeks for this certification process.**
- When contacted by Town Assessors please pick up abutters list and keep it together with the rest of the application material.

Filing Appeal:

- Once all required information necessary for filing the appeal has been obtained and all related formwork completed and signed this information must be delivered to the Building Division of the Office of Municipal Licenses and Inspections on the second floor of 90 Pond Street. The Building Division Office hours are 8:00 a.m. to 4:30 p.m. Monday – Friday. It is suggested that applicants file appeals during the office hours of the Building Inspectors 8:00 – 10:00 a.m. and 3:00-4:30 p.m. so that a review for completeness of an application can be made by the Building Inspectors. Please note that all appeals must be received by no later then **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 incorrectly advertised due to an error on the part of the applicant, the application will need to be re-advertised at the applicants expense and be placed on the scheduled for the next available Zoning Board of Appeals hearing.

- Once a completed appeal package is received by the Building Division the application will be reviewed by the Building Division of the Department of Municipal Licenses and Inspections. The appeal is then brought to the Town Clerks Office for stamping by the Building Division Staff.
- 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 however 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. It is advised that prior to filing an appeal, applicants contact the Braintree Forum (Gatehouse Media) to inquire about related advertisement costs so that they may understand their financial commitment in this matter. Applicants may make inquiries with Dawn Lalime, Braintree Forum at 781-433-7959. Attached Gatehouse Media New England agreement must be completed and returned with other appeal material

Prior to Appeal Hearing:

- Two weeks prior to the Zoning Appeal Board hearing, all applications go before the Town's Planning Board for review resulting in a recommendation which is forwarded to the Appeals Board. Applicants are notified by the Planning Department (see sample letter attached) as to the date, time and location of this Planning Board hearing and are asked to be in attendance in the event that the Planning Board requires further information from the Applicant prior to making their recommendation.

Appeal Hearing:

- 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 Zoning Board of Appeal and to describe in detail what is being sought by the appeal. Plans, photographs, letters of support and the like may be submitted to the Board 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.**

Following Hearing:

- Once a verbal decision is made by the Board, a written decision, signed by the presiding Board Members, is prepared and filed with the Town Clerks Office no later then fourteen (14) days after the appeal hearing. This appeal is then 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.

Department of Municipal Licenses and Inspections

Zoning Board of Appeals

90 Pond Street – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

PETITION FOR APPEAL

CASE #_____

Type or print clearly and file with all materials noted on the cover page

1. **Site Information** – (Assessors Maps are available at the Building Department which list lot numbers)

   Property Address: _____ Map #_____ Lot #_____

   Land Area: _____ sq. ft. Single Family _____ Other: (Describe) _____

   Has any previous appeal been made? Yes _____ No_____ Case # _____

2. **General Information:**

   Appellant Name: _____

   Appellant Address_____

   Tel. # ( ) _____ - _____ Fax # ( ) _____ - _____

   E-Mail Address: _____

   Appellant is: _____Owner _____Tenant _____ Purchaser _____ Attorney

   _____ Other (Please Describe)_____

   A letter of authorization must be attached for ALL appellants who are NOT the property owner.

   Owner Name (If different) _____

   Owner Address (If different) _____

   Tel # ( ) _____ - _____ Fax # ( ) _____ - _____

   E-Mail Address _____

3. **Appeal Summary:** Describe what is being sought by this appeal at this time. Additional summary pages may be attached to this appeal.

Note: Appeals may grant findings, variances or reverse the decision of the Building Inspector. The appellant is responsible for providing any information that will assist in the rendering of a decision by the Zoning Board of Appeals.

What type of relief is being sought by this appeal: _____Variance _____ Finding
_____ Both _____Interpretation

Summary of Appeal:

_____
_____
_____
_____
_____

4. **Variance Criteria: A variance may only be granted when all of the four criteria are met.**

   Please note, this section only needs to be completed if a variance is being sought.

   A. Describe the soil conditions (ledge, wetlands etc.) Shape (irregular, trapezoidal etc.) or topography (sloping etc.) which effect this lot but not other lots which abut this property or in the general area.

   _____
   _____
   _____

   B. Due to the site conditions described in section "A" how would the enforcement of the Zoning bylaws create a hardship, financial or otherwise.

   _____
   _____
   _____

   C. Describe how the Board may grant relief without causing harm to an adjoining property or the Community in general.

   _____
   _____
   _____

   D. How can relief be granted within the spirit and intent of the zoning bylaws?

   _____
   _____
   _____

5. **Fee Schedule:** Fee's may be paid by personal check, treasurer's check or money order.

Appeal Petition Fee:	**$200.00** payable to the Town of Braintree
Legal Advertisement Fee:	As established by Gatehouse Media (Braintree Forum). For cost information please contact Gatehouse Media at (781) 433-7959.

I hereby certify under the pains and penalties of perjury that the foregoing information Contained in this petition are true and complete.

_____ _____

SIGNATURE OF APPELLANT **DATE**

_____ _____

SIGNATURE OF PROPERTY OWNER **DATE**

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED AND WILL BE RETURNED TO THE APPLICANT.

DO NOT WRITE BELOW THIS LINE

Property Zoning Designation: _____

Reason for Denial: _____

_____ _____

SIGNATURE OF BUILDING INSPECTOR DATE

Zoning Computation Form

Property Address:: _____

Name of Appellant: _____

Zoning District: _____ Assessor's Map No. _____ Plot No. _____

(See Attached Table of Dimensional Regulations)

			(PLEASE CHECK APPLICABLE COLUMN)		
	Required	Provided	Compliant	Non-Compliant	Not Applicable
Lot Area Minimum	_____	_____	_____	_____	_____
Lot Width Minimum	_____	_____	_____	_____	_____
Lot Frontage Minimum	_____	_____	_____	_____	_____
Lot Depth Minimum	_____	_____	_____	_____	_____
SET BACKS					
Front Yard	_____	_____	_____	_____	_____
Side Yard	_____	_____	_____	_____	_____
Rear Yard	_____	_____	_____	_____	_____
Maximum Height of Bldg./Structure	_____	_____	_____	_____	_____
Max. Story Height	_____	_____	_____	_____	_____
Maximum Bldg. Coverage	_____	_____	_____	_____	_____
Maximum Lot Coverage	_____	_____	_____	_____	_____
Minimum Open Space	_____	_____	_____	_____	_____
Required Off Street Parking	_____	_____	_____	_____	_____
Required Off Street Loading	_____	_____	_____	_____	_____

Prepared By: _____ _____
(Print Name) (Date)

_____
(Signature)

ABUTTERS LIST FORM

DATE: _____ MAP & LOT #: _____

NAME:_____ PHONE #: _____

ADDRESS:_____

MAP/LOT	ADDRESS	OWNERS NAME

PAGE _____ OF _____

GateHouse Media
New England

GATEHOUSE MEDIA NEW ENGLAND
COMMUNITY NEWSPAPER COMPANY
PATRIOT LEDGER/THE ENTERPRISE
HERALD NEWS FALL RIVER
TAUNTON GAZETTE
P.O. Box 9113
NEEDHAM, MA 02492-9113

Date: _____/_____/20___

I herby acknowledge that the application I am submitting to the:

TOWN OF BRAINTREE, MASSACHUSETTS

☐ **Zoning Board Of Appeals** ☐ **Planning Board**

☐ **Conservation Commission** ☐ **Historic Districts Commission**

☐ **Other: _____** ☐ **Town Council**

requires a notice of public hearing. Legal notices are currently submitted to the ***BRAINTREE FORUM*** for publication on the following date(s): ____/____/20____: _____/_____/20____. (**NOTE: The dates for submitting public notices are to be completed by the Town department with whom the application has been filed.)**

I hereby acknowledge ***responsibility for payment*** of the required legal notice to ***GateHouse Media New England***, d/b/a, **Community Newspaper Company Inc**.

Printed name: _____

Signature: _____

Address: _____

City/State/Zip_____

Phone:(_____) _____-_____

Original copy to Town, copy to customer and copy to Legal Dept of Paper with ad copy.