



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

## Application for Hearing - Filing Instructions

**IMPORTANT:** Please see the Inspector of Buildings/Zoning Enforcement Officer before you fill out this application. He will be able to assist you with the proper zoning sections and application request(s). His prior review of your project and application may save time by preventing delays in the hearing process.

### **1. TO FILE AN APPLICATION, YOU WILL NEED TO PROVIDE THE FOLLOWING:**

- A. The COMPLETED attached application form;
- B. A copy of the most recently recorded Plan of Land, or, where no such plan exists, a copy of a plot plan endorsed by a registered engineer or land surveyor;
- C. A sketch or diagram showing the following, to scale:
  1. Metes and bounds of the subject land;
  2. Adjacent streets and other named and readily identifiable landmarks and fixed objects;
  3. Dimensional layout of all buildings
  4. Distances said buildings are set back from the various boundaries and apart from each other
  5. Exact dimensions, setbacks and specifications of any new construction;
  6. The direction of "North"; and
  7. The name of each abutting property owner.
- D. In cases pertaining to structures and signs, prints of the building plans as well as those items set forth in (B) above;
- E. A listing of names and addresses as they appear on the most recent local tax list, certified by the Northborough Board of Assessors and by any other applicable Board(s) of Assessors, of all abutters, all owners of land directly opposite any public or private street or way, and all owners of land within three hundred (300) feet of the property line; and
- F. A copy of the most recently recorded deed to the subject property, which shows Book and Page.

### **2. PLEASE REFER TO ATTACHED DISTRIBUTION LISTS FOR PROPER NUMBER OF APPLICATIONS TO BE SUBMITTED.**

### **3. A FILING FEE PAYABLE TO THE TOWN OF NORTHBOROUGH MUST ACCOMPANY EACH APPLICATION. PLEASE SEE THE ATTACHED NORTHBOROUGH ZONING BOARD FEE SCHEDULE FOR THE APPROPRIATE FEES.**

ALL APPLICATIONS MUST BE FILED WITH THE OFFICE OF THE TOWN CLERK.

9.29.23

## **GUIDELINES FOR APPLICANTS**

### **1. VARIANCES**

Variances shall be granted only in cases where the Board finds that the petition meets all of the following criteria:

- A. A literal enforcement of the applicable provision of the Zoning Bylaw would involve substantial hardship, financial or otherwise, but not of a personal nature, to the petitioner or appellant;
- B. The hardship is owing to circumstances relating to soil conditions, shape or topography of the land or structures, affecting only the subject land or structures but not affecting generally land or structures in the same zoning district; and
- C. The relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

#### **PLEASE NOTE THE FOLLOWING:**

1. size of the subject lot, in and by itself, is not relevant;
2. financial hardship, which is not caused by any of the above-stated factors, is not relevant; and
3. an increase in the value of your property may not be used as a fact to support a finding that the relief sought will be desirable.

### **2. SPECIAL PERMITS [7-03-040 C.]**

- A. A Special Permit may be issued only for uses which are in harmony with the general purpose and intent of the zoning Bylaw, provided that:
  1. The proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board, and with the purposes of this bylaw;
  2. The proposed site is an appropriate location for such use;
  3. The use as developed will not adversely affect the neighborhood;
  4. There will be no nuisance or serious hazard to vehicles or pedestrians;
  5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
  6. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision; and
  7. The proposal could not reasonably be altered to reduce adverse impacts on the natural environment, to be compatible with historic development patterns of the town, or to preserve historically significant buildings.

### **3. APPEALS**

- A. The Board will hear and decide appeals by:
  1. Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provision of M.G.L. C.40A;
  2. The Central Massachusetts Regional Planning Commission; or
  3. Any person, including an officer of a board of the town or of an abutting city or town, aggrieved by an order or decision of the Building Inspector or other administrative official in violation of any provision of M.G.L. C.40A or of the Town of Northborough Zoning Bylaw.

## **THE HEARING PROCESS**

The Board of Appeals will schedule a public hearing of the petition once it has been filed with the Office of the Town Clerk and the requisite fees have been paid. In addition to the petitioner, all abutters will be notified of the hearing and will be given an opportunity to comment on the petition at the hearing. The Board will also hear from all other interested parties.

As part of the public hearing, the Board may request comments from other town boards, officials, legal counsel or consultants.

Once the presentation has been made to the Board and all interested parties have been heard, the public hearing portion of the meeting will be closed and the Board will, at its option, discuss the petition at that time or postpone discussion until a later time or date. All discussions will be held at an open meeting; however, once the public hearing has been closed, no additional comments will be allowed from either the petitioner or the public unless clarification is requested by the Board.

Once the Board has made a decision, the petitioner will be notified in writing. A copy of the decision will be filed with the Town Clerk, to be followed by a twenty-day appeal period. If no appeal is taken, then you will need to obtain a "Certificate of No Appeal" from the Town Clerk's Office. This certificate, together with the original decision, is to be recorded with the Worcester District Registry of Deeds. After the decision has been recorded, a copy shall be given to the Town Clerk's Office.

NOTE: The granting of the petition DOES NOT go into effect until the decision has been recorded with the Registry.

# Northborough Zoning Board of Appeals

## Fee Schedule

**Adopted by the Zoning Board of Appeals on September 26, 2023**

| Type   | Fee  |
|--|--|
| <b>SITE PLAN APPROVAL</b>  |  |
| <b>Site Plan Approval/Special Permit with Site Plan Approval</b> | Filing Fee: \$500 + \$0.05/sq ft of building area (commercial/industrial) or \$50/dwelling unit (residential) or \$20/parking space (no building)<br>Technical Review Fee: To Be Determined at Time of Application<br>Advertising Fee: \$350 |
| <b>Major Modification to Site Plan Approval Decision/Plan</b>    | Filing Fee: \$300<br>Technical Review Fee: To Be Determined at Time of Application<br>Advertising Fee: \$350   |
| <b>SPECIAL PERMIT</b>  |  |
| <b>Single Family Applications</b>                                | Filing Fee: \$150  |
| <b>All Other Applications</b>                                    | Filing Fee: \$300<br>Technical Review Fee: To Be Determined at Time of Application<br>Advertising Fee: \$350   |
| <b>VARIANCE</b>  |  |
| <b>Single Family Applications</b>                                | Filing Fee: \$150  |
| <b>All Other Applications</b>                                    | Filing Fee: \$300<br>Technical Review Fee: To Be Determined at Time of Application<br>Advertising Fee: \$350   |
| <b>APPEAL</b>  |  |
| <b>Single Family Applications</b>                                | Filing Fee: \$150  |
| <b>All Other Applications</b>                                    | Filing Fee: \$300<br>Advertising Fee: \$350  |

| Type  | Fee  |
|---|--|
| <b>COMPREHENSIVE PERMIT</b>                                     |  |
| <b>Limited Dividend Organizations</b>                           | Filing Fee: \$500 + \$50/unit  |
| <b>Non-Profit Organizations</b>                                 | Filing Fee: \$300 + \$25/unit  |
| <b>Public Agencies</b>  | Filing Fee: \$0<br>Technical Review Fee: To Be Determined at Time of Application<br>Advertising Fee: \$350   |
| <b>Major Modification to Comprehensive Permit Decision/Plan</b> | Filing Fee: \$300<br>Technical Review Fee: To Be Determined at Time of Application<br>Advertising Fee: \$350 |



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## Applicant Check List Form

Your original application, with all necessary documents and plans, along with the required number of application packets to be distributed to various Town departments and boards, must be submitted to the Town Clerk's Office when filing an application with the Zoning Board of Appeals.

Please review the Distribution List with the Building Inspector to determine the required number of application packets to be submitted to the Town Clerk's Office.

**Each application packet must consist of one of each of the following documents:**

- ☐ A copy of the original completed ZBA application
- ☐ A copy of the completed & signed Zoning Interpretation Request Form
- ☐ A copy of the deed for the subject property
- ☐ A copy of the abutters list certified by the Assessors office\*\*
- ☐ A copy of the certified plot plan for the subject property
- ☐ A copy of any construction plans/site plans, folded and attached to the application
- ☐ A copy of architectural renderings for review by the Design Review Committee, if applicable. (If not submitted with application, scheduling of the ZBA hearing will be delayed.)

\*\* Please do not make copies of labels for each application packet.

**With Original Application Only:**

- ☐ A flash drive with PDF files of all application documents, including all plans
- ☐ Abutter labels received from the Assessors office should be submitted with the original application only
- ☐ Please make checks payable to: **Town of Northborough**

## Application Review

I have reviewed the ZBA application package and find the documents listed above to be included.

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Inspector of Buildings/Zoning Enforcement Officer

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Date

Please file checklist with the Town Clerk's office.



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## ZBA Application Distribution List

Project Address: \_\_\_\_\_

GIS Map(s) \_\_\_\_\_ Parcel(s) \_\_\_\_\_

Please check all that apply:

- ☐ Variance ☐ Special Permit ☐ Special Permit with Site Plan Approval ☐ Modification  
☐ Special Permit Groundwater Protection Overlay District ☐ Appeal

Please note required plan sizes: Full size: 24" x 36" Half-size: 11" x 17"

1 copy to each, except as noted:

| Town Office   | Received By | Date |
|---|-------------|------|
| Town Clerk (half-size plan)   |             |      |
| ZBA Office File (Original application, full-size plan and flash drive with all documents & plans) |             |      |
| ZBA Members (7 application copies with 2 full-size plans, 5 half-size plans)                      |             |      |
| Building Inspector (electronic copy of full application)  |             |      |
| DPW (1 application copy with full-size plan)  |             |      |

For Special Permit with Site Plan Approval, provide additional copies as follows:

|   |  |  |
|---|--|--|
| Board of Selectmen (electronic copy)  |  |  |
| Fire Department (electronic copy)   |  |  |
| Police Department (electronic copy)   |  |  |
| Board of Health (electronic copy)<br>(private septic systems only)  |  |  |
| Conservation Commission (electronic copy)   |  |  |
| Earth Removal Board (electronic copy)   |  |  |
| Planning Board (3 application copies with 3 half-size plans)  |  |  |
| Design Review Committee<br>(2 application copies with full-size plans if petition involves design review) |  |  |

**THE COMPLETED DISTRIBUTION SHEET MUST BE RETURNED TO THE PLANNING DEPARTMENT.**



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## APPLICATION FOR HEARING

(This form to be filed with Town Clerk)

Request is for: (check all that apply)

- ☐ Variance ☐ Special Permit ☐ Site Plan Approval ☐ Modification  
☐ Special Permit (per 7-07-010, Groundwater Protection Overlay District)  
☐ Appeal ☐ 40B Comprehensive Permit

### Property Information

#### 1. Location of Property:

Street Address \_\_\_\_\_

GIS Map # \_\_\_\_\_ Parcel # \_\_\_\_\_

Zoning District(s): \_\_\_\_\_ Groundwater Protection Overlay District(s): \_\_\_\_\_

#### 2. Name of Petitioner(s): \_\_\_\_\_ Owner/ Tenant/ Agreed Purchaser/ Other (circle one)

Address: \_\_\_\_\_

Telephone #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

#### 3. Name of Presenter(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

#### 4. Name of Owner(s) of Property: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

#### 5. Property Owner's Knowledge and Consent

I (we) have knowledge of, and consent to, the application for the project as presented.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please Print Name

For Board Use Only:

Case No. \_\_\_\_\_

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



## Project Information

1. Explain what you want to do or construct and state which provision(s) of the Zoning Bylaw requires you to obtain a Variance and/or Special Permit in order to do it:

**A. Variance: you must provide all of the following information:**

1. Specifically, what are the soil conditions, shape or topography of your lot or structure which especially affect this lot, as distinguished from other lots in the zoning district in which it is located?
2. What is the hardship which is caused by the factors listed in 7A above?
3. What facts will support a finding that the relief sought and will not constitute substantial detriment to the public good?
4. What facts will support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw?

## Special Permit

Submit written information with this application to show compliance with the following requirements of Section 7-03-040 C.:

1. The proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board, and with the purposes of this bylaw;
2. The proposed site is an appropriate location for such use;
3. The use as developed will not adversely affect the neighborhood;
4. There will be no nuisance or serious hazard to vehicles or pedestrians;
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
6. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision; and
7. The proposal could not reasonably be altered to reduce adverse impacts on the natural environment, to be compatible with historic development patterns of the town, or to preserve historically significant buildings.

**B. Special Permit with Site Plan Review/Approval - 7-03-050A(2) & 7-09-020**

1. Attach a copy of the site plan which includes contents as required per 7-03-050 D and 7-09-020

**C. Special Permit under Chapter 7-07-010 of the Zoning Bylaw (Groundwater Protection Overlay District)**

1. Attach a copy of all plans and documents as required under 7-07-010 D(4)(a)

**D. Appeal**

1. State the specifics of the appeal.

**E. If you have any knowledge of a prior application, petition or appeal concerning the subject property, describe the case and the dates thereof and attach a copy of any decision issued in connection with the above.**



## Town of Northborough Office of the Board of Assessors

63 Main Street, Massachusetts 01532-1994  
Mon, Wed, Thurs 8-4 / Tuesday 8-7 / Friday 7-12  
508-393-5005 phone, 508-393-6996 fax

### Certified Abutters List Request

Please allow 10 business days.

DATE of REQUEST

REQUESTING COMPANY

CONTACT PERSON

PHONE

EMAIL

PROPERTY ADDRESS(es)

MAP/PARCEL(s)

OWNER(s)

OWNER MAILING ADDRESS(es)

#### REQUESTING BOARD

Planning Board – Scenic Road

Planning Board – Site Plan

Planning Board – Special Permit

Planning Board - Subdivisions

ZBA – Zoning Board of Appeals

Conservation Commission

Board of Health

Board of Selectman: Fuel Storage

Board of Selectman: Liquor License

Board of Selectman: Pole Petition

Board of Selectmen: Street Acceptance

DPW – Dept of Public Works

Engineering: Earth Works

Other

#### APPLICABLE REGULATIONS

Town Code Chapter 2-52-050

Planning Board Rules & Regulations Section 7.2 D(5)

MGL Chapter 40A Section 11

MGL Chapter 41A Section 81T

MGL Chapter 40A Section 11

MGL Chapter 131, Section 40, MA Wetlands Protection

Act & the Northborough Wetlands Protection Bylaw

Dependent on project

MGL Chapter 148, Section 13

MGL Chapter 138, Section 15A

MGL Chapter 166, Section 22

Dependent on project

Northborough Town Bylaws: Part 2 - General Legislation,

Chapter 2-28, Earth Removal

#### ABUTTERS / DISTANCE

Owners within 100' of property

Owners within 300' of property

Owners within 300' of property

Owners within 300' of property

Owners within 300' of property

100' of property, unless otherwise stated

Owners within 100' of property

Abutting owners & directly opposite

Abutting owners, & any school, church, or

hospital within 500' of property

Abutting owners & directly opposite

Owners with driveways on the street

Dependent on project: \_\_\_\_\_ feet

Owners within 100' of property

#### #LABEL SETS

3 sets

3 sets

3 sets

3 sets

3 sets

1 set

3 sets

3 sets

2 sets

1 set

1 set

?

1 set

#### FEE

\$10

\$15

\$15

\$15

\$15

\$10

\$10

\$15

\$25

\$15

\$10

\$10+

\$10

To the Requesting Board/s: We certify that, from our Real Estate Property Lists, the following persons attached hereto appear as owners of all abutting property, as specified by the appropriate regulation (including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, or across a body of water), as amended to the best of our knowledge and belief. If the property is within abutting distance of another Town, please contact their Assessors Office for another abutters list.

DATE of CERTIFICATION

Patty Mespelli / Brian Fernandes for the Board of Assessors

[pmespelli@town.northborough.ma.us](mailto:pmespelli@town.northborough.ma.us) [bfernandes@town.northborough.ma.us](mailto:bfernandes@town.northborough.ma.us)



**TOWN OF NORTHBOROUGH** Building Department  
Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5010 • Fax 508-393-3130

**ZONING INTERPRETATION REQUEST FORM**

Property Address: \_\_\_\_\_ Northborough, MA 01532

Does the Property Have: Public Water: Yes \_\_\_\_\_ No \_\_\_\_\_ Public Sewer: Yes \_\_\_\_\_ No \_\_\_\_\_

Current Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

***For Official Use Only***

Map & Parcel: \_\_\_\_\_ Property Zoning District: \_\_\_\_\_ Floodplain, wetlands \_\_\_\_\_

Groundwater Protection Overlay District: Area 1 \_\_\_\_\_ Area 2 \_\_\_\_\_ Area 3 \_\_\_\_\_ N/A \_\_\_\_\_

Lot Area Required \_\_\_\_\_ Have \_\_\_\_\_ Street Frontage Required \_\_\_\_\_ Have \_\_\_\_\_

Setbacks Required \_\_\_\_\_ Have \_\_\_\_\_ Bylaw Citation for Proposed Use: \_\_\_\_\_

Comments: \_\_\_\_\_

Is the proposed use allowed in the Zoning District: Yes \_\_\_\_\_ By PB \_\_\_\_\_ By ZBA \_\_\_\_\_ No \_\_\_\_\_

Does the use require a GPOD Special Permit: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_ Conservation required: Yes \_\_\_\_\_ No \_\_\_\_\_

Special permit required: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_ Special Permit w/ Site Plan Approval: Yes \_\_\_\_\_ No \_\_\_\_\_

Earthwork permit required: Yes \_\_\_\_\_ No \_\_\_\_\_ Design Review required(7-03-060): Yes \_\_\_\_\_ No \_\_\_\_\_

Minor Site Plan Approval required: Yes \_\_\_\_\_ No \_\_\_\_\_ Historical/Scenic/Stone Wall required: Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

**Robert J. Frederico**  
***Inspector of Buildings/Zoning Enforcement Officer***

**This Zoning Interpretation is for informational purposes only. This Zoning Interpretation does not give permission to construct, alter, demolish or change the use of a property. This Interpretation may require a variance and/or special permit which is granted by either the Zoning Board of Appeals (ZBA)/Planning Board (PB) or both.**