

**ZONING BOARD OF APPEALS
TOWN OF GRAFTON, MASSACHUSETTS
APPLICATION FOR VARIANCE/SPECIAL PERMIT
INFORMATION FOR PETITIONERS**

1.) BASIS FOR APPEALS:

An appeal to the Board of Appeals may be taken by a person aggrieved by reason of his/her inability to obtain a permit from any administrative official under the provisions of Chapter 40A as amended by Chapter 808 of the General Laws, or by any officer of board of the Town, or by any person aggrieved by any order or decision of the Building Inspector of other administrative official in violation of any provisions of Chapter 40A, or any ordinances of bylaw adopted thereunder, or by any person seeking a Special Permit.

2.) WHEN APPEAL MAY BE TAKEN:

Any appeal of the Board of Appeals must be taken within thirty (30) days from the date of the order or decision being appealed or in the case of a Special Permit, within a reasonable time after written advisement of need for said permit.

3.) HOW APPEALS MAY BE TAKEN:

Any appeal to the Board of Appeals must be made by completing a Form of Appeal, as supplied by the Board, and filing two (2) copies of said form in the Office of the Town Clerk. Accompanying such filing shall include:

- I.** One copy of the Town of Grafton Tax Map(s) showing the subject property, the immediate abutting said property and all parcels next adjoining the land of the immediate abutters. (May be obtained in the office of the Board of Assessors.)
- II.** A plot plan of the property, either drawn to accurate scale, or with all dimensions accurately marked, and including all existing or proposed buildings, with their locations on the plot. The names of the owners of abutting property should be shown also.
- III.** Listings of the names and addresses, as they appear on the most recent local list available in the Assessors' Office, of abutters, owners of land within three hundred (300) feet of the property lines. These listings must be certified by the Town Assessors.
- IV.** All applications shall be accompanied by a check, payable to the Town of Grafton in the amount of one hundred sixty five (\$165.00) dollars.

4.) FORM OF APPEALS:

All appeals must be in writing, in duplicate, and signed by the applicant or his attorney. These documents shall be filed in the Office of the Town Clerk of Grafton. One copy is to be sent to the Building Inspector and one copy to the Clerk of the Board of Appeals. A form for Appeal is attached hereto. A site plan of the property involved in the appeal must accompany the appeal.

5.) CONDITIONS TO BE MET FOR GRANTING A VARIANCE/SPECIAL PERMIT:

Before making formal application for a variance from the Town of Grafton Zoning Bylaws, you the applicant, must be aware of the conditions that must be met before the Zoning Board of Appeals may act favorably upon you request.

- I. A hardship exists upon your land that requires you to apply for a variance.
Example: A ledge or rock condition exists upon your property which does not allow you to construct within the conformity of the bylaw. Financial hardship, by itself is not a reason for granting a variance.
- II. The condition affecting you property is incidental to that property and not generally affecting other parcels within your zoning district.
- III. A variance may be granted without substantial detriment to the public good. This is to say, for example, that excess traffic would not result by the granting of the variance, or that the rights of your neighbors would not be infringed upon.
- IV. A variance cannot substantially derogate from the intent and purpose of the bylaw. Varying a front yard setback from 30 – 10 ft. would be, in most instances, substantial derogation from the intent and purpose of the Town of Grafton Zoning Bylaws.

Your presentation before the Board should specifically relate to all four above prerequisites. If in doubt, contact an attorney before filing your appeal. If your appeal were denied then you would have to wait two (2) years before reapplying. It is best to be fully prepared at the time of the hearing.

6.) HEARINGS:

Due notice of the hearing will be given to the applicant and abutters and to such other persons as the Board deems to be interested parties. The applicant may appeal in person or be represented by an attorney. The applicant will be given an opportunity to present witnesses and evidence and persons appearing in opposition will also be given an opportunity to be heard. No cross-examination of the witnesses will be allowed except at the discretion of the Board. The Board may in its discretion permit arguments at the close of the evidence.

7.) Representation and Appearance before the Board

Applicants for relief must appear at the hearing either in person or by way of an "Authorized Representative". An Authorized Representative means the following:

For Applicants who are Individual Property Owners

Applicants who are individual property owners may allow an engineer, architect, contractor or other person to appear before the Board on their behalf provided that the Individual Property Owner has sent a letter to the Board in advance of the hearing identifying the engineer, architect, contractor or other person as their authorized representative.

For Applicants who are Corporate Property Owners (e.g. corporations and LLCs)

An applicant that is a corporate entity may appear before the Board if it is represented by any of the following:

- 1.) an attorney licensed to practice law in the Commonwealth of Massachusetts.
- 2.) A corporate officer (e.g. President, Treasurer or Clerk) provided that the person purporting to be a corporate officer produces evidence of such executive status in the form of a corporate vote of the board of directors or a copy of corporation's annual report on file with the Massachusetts Secretary of the Commonwealth.
- 3.) A non-executive employee or an engineer, architect, contractor or other person provided that the corporate entity sends a letter to the Board in advance of the hearing designating such non-executive employee, engineer, architect, contractor or other person as the corporate entity's designated agent authorized to act on behalf of the corporate entity. However, all letters from corporate entities must be signed by a corporate officer (e.g. President, Treasurer or Clerk in the case of a corporation or the Manager in the case of a limited liability company).

8.) DECISION:

The applicant will be notified, in writing, of the decision of the Board.

**PETITION TO THE ZONING BOARD OF APPEALS
TOWN OF GRAFTON, MASSACHUSETTS**

DATE: _____

I/We hereby petition your Board to conduct a public hearing and consider the granting of relief from under hardship resulting from literal enforcement of the protective Zoning Bylaw, by exercising your power to:

(Mark one)

- _____ Review refusal of Selectman or others to grant a permit
- _____ Grant a **VARIANCE** from the terms of the Zoning Bylaw, SECTION _____.
- _____ Grant a **SPECIAL PERMIT** for a specific use which is subject to the approval of your Board.

FOR LAND/BUILDINGS AT _____

TO ALLOW:

Please complete this **entire** section:

Location of property: _____ Tax Plan # _____ Plot # _____
Zoning District in which the property is located: _____
Title of Property in name of: _____
Whose address is: _____
Deed recorded in Book # _____, Page # _____
Plan Book # _____, Plan # _____
Signature of Petitioner: _____
Print Name _____
Address of Petitioner: _____
Phone Number of Petitioner: _____

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Signature of Petitioner: _____

Print Name _____

Address of Petitioner: _____

Phone Number of Petitioner: _____

**BOARD OF ASSESSORS
REQUEST FOR ABUTTERS LIST**

Date of request: _____ Date list needed: _____

Name of Person Requesting List: _____

Phone #: _____

Name of Property Owner: _____

Street Address of Property Owner: _____

Map: _____ Block: _____ Lot: _____

Reason for list: _____ ZBA Hearing _____

Hearing before Zoning Board of Appeals yes no

Hearing before Planning Board yes no

Hearing before Conservation Commission yes no

Other: _____

REASON FOR HEARING

Variance Scenic Road Title V

Special Permit Sub-division

Other: _____

RADIUS FOR ABUTTERS: (check one)

Immediate: 100 ft. 200 ft. 300 ft.

Two sets of Labels will be provided if needed: yes no

(Planning Board and Zoning Board of Appeals require 2 sets of labels)

Office Use only

Date List Prepared: _____ Address Labels Prepared: _____

Fee Charged: \$ _____ Amount Paid: \$ _____ Date: _____

Check # _____ Cash \$ _____ Money Order # _____