

**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 or on-line at the Town of Grafton's web site [www.grafton-ma.gov](http://www.grafton-ma.gov).)
- II.** A certified plot plan of the property, either prepared by an engineer or a registered land surveyor showing the location of buildings or structures to the lot lines including proposed buildings, with their locations on the lot. 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.** A Certificate of Good Standing must be signed off by the Treasurer/Collectors office and submitted with the application.
- V.** 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/special permit 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 your 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 your 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:**

Legal Notices of the hearing will be published in the Grafton News 2 weeks prior to the hearing date. Legal notices will also be sent to the applicant, abutters and to such other persons as the Board deems to be interested parties. The applicant may appear in person or be represented by an attorney. The applicant will be given an opportunity to present witnesses, 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. The decision will also be mailed to all abutters and interested parties.

**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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Plan Book # \_\_\_\_\_, Plan # \_\_\_\_\_

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)

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**Office Use only**

Date List Prepared: \_\_\_\_\_ Address Labels Prepared: \_\_\_\_\_

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

Check # \_\_\_\_\_ Cash \$ \_\_\_\_\_ Money Order # \_\_\_\_\_



**TOWN OF GRAFTON**  
 GRAFTON MEMORIAL MUNICIPAL CENTER  
 30 PROVIDENCE ROAD  
 GRAFTON, MASSACHUSETTS 01519  
 (508) 839-5335 ext 1170 • FAX: (508) 839-4602  
 www.grafton-ma.gov

**TREASURER / COLLECTOR**

## Certificate of Good Standing

Applicants seeking permits with the Town of Grafton must submit this completed form at the time of application. When all obligations are paid to date, you must attach this “Certificate of Good Standing,” with your application. Delinquent bills must be paid in full before the appropriate department accepts your application. Please make arrangements to pay these outstanding bills at the Collector’s Office.

**Please note: it can take up to three (3) business days to process each request.**

Please check all that apply and indicate if permit(s) have been issued.

	Permit Issued?			Permit Issued?	
	Yes	No		Yes	No
<input type="checkbox"/> Building - Inspection(s)	_____	_____	<input type="checkbox"/> Septic System	_____	_____
<input type="checkbox"/> Building - Electric	_____	_____	<input type="checkbox"/> Conservation	_____	_____
<input type="checkbox"/> Building - Plumbing	_____	_____	<input type="checkbox"/> Planning	_____	_____
<input type="checkbox"/> Board of Health	_____	_____	<input type="checkbox"/> Other	_____	_____

Other Permit: \_\_\_\_\_

Petitioner Name	Property Owner / Applicant
Petitioner Address	Property Address
City, State, Zip	Grafton, MA City, State, Zip
Phone	

Date:	Current	Delinquent	N/A
Real Estate			
Personal Property			
Motor Vehicle Excise			
Disposal			
General Billing			

\_\_\_\_\_  
 Treasurer / Collector Signature

\_\_\_\_\_  
 Date

ARTICLE 26

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS BY-LAW

a. The tax collector or other town official responsible for records of all town taxes, assessments, betterments and other town charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any town taxes, fees, assessments, betterments or other town charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

b. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all town taxes, fees, assessments, betterments or other town charges, payable to the town as the date of issuance of said certificate.

c. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of laws.

d. The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or member of his immediate family (as defined in General Law Chapter 268, Section 1) in the business or activity conducted in or on said property.

This By-Law shall not apply to the following licenses and permits: open burning, Section thirteen of Chapter forty-eight; of articles for charitable purposes, Section thirty-three of Chapter one hundred and one; children work permits; Section sixty-nine of Chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, Section twenty-one E of Chapter one hundred and forty; dog licenses, Section one hundred and thirty-seven of Chapter one hundred and forty; fishing, hunting, trapping licenses, Section twelve of Chapter one hundred and thirty-one; marriage licenses, Section twenty-eight of chapter two hundred and seven and theatrical events,