



# **TOWN OF NORTH ATTLEBORO ZONING BOARD OF APPEALS POLICIES & PROCEDURES**

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This packet provides an overview of the North Attleborough Zoning Board of Appeals policies and procedures as adopted by the Board and in accordance with the Massachusetts General Laws Chapter 40A and all amendments thereto.

This information serves as a guide for applicants and is not intended as a substitute for any professional advice or legal guidance in dealing with issues of land use.

The Zoning Board of Appeals has an office on the second floor of Town Hall, 43 South Washington Street. The Board typically meets on the third Tuesday of every month and will hold special meetings when necessary. All application forms, with instructions are available in the Zoning Office or on the Towns Website.

Any questions on the information contained in this packet should be addressed to the Zoning Board Clerk at 508-699-0126

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**Adopted March 16, 2004 & Effective as of March 25, 2004, and amended on  
May 18, 2004 & January 4, 2005, December 20, 2005, May 19, 2009**

# **INSTRUCTION FOR FILING A ZONING BOARD APPLICATION**

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Applications must be filled out in its entirety. You must select what you are applying for (Permit: Variance / Special Permit / Exception) If you are unsure of what you need, please check with the building department.

Submit 5 copies of the application & 5 site plans (blueprints, Computer drawings, extremely detailed sketches), include a digital copy of the completed application including any supporting documentation via email;

**All applications required the following information:**

- A. Accurate measurements & placement of your existing home, any proposed changes to your home & existing & proposed structures (i.e... sheds, pools, patio's driveway etc.)
- B. Inside layout of the home along with finished outside views including front, side & rear elevations including height and roof pitch. The Board wants to see what the finished product will look like. Please provide front, side, and rear drawings with dimensions.

**IF ZONING APPROVAL IS GRANTED THE BUILDING INSPECTOR MAY STILL REQUIRE A SCALE PLAN OF THE LOT DRAWN & STAMPED BY A REGISTERED LAND SURVEYOR**

You must obtain a **"Certified List of Abutters"** from the Assessor's Office (**\$25.00** fee). This is a list of ALL parties of interest which includes the petitioner, direct abutters, and owners of land directly opposite on any public or private road and ABUTTERS TO THE ABUTTERS IF THEY ARE WITHIN 300 feet of the property line of the petitioner as they appear on the most recent tax list. Obtain the correct plat & lot numbers from the Assessor's Office and write them in on the form you received with your application.

All completed applications (5 copies of application, 5 site plans, 1 certified list of abutters and attachments as listed in above) along with THREE checks, MUST BE submitted to the Town Clerk's office.

- **First check** made payable to the **Town of North Attleboro** in the applicable amount as designated in the Policy & Procedures.
- **Second check** made Payable to the **"Sun Chronicle"**, the amount to be determined by the Zoning Clerk AND
- **Third check** made payable to **U.S. Postal Service** CMRS-TMS in the amount determined by the Zoning Clerk.

A list of scheduled meetings and their deadlines are in this packet. **THERE WILL BE NO EXCEPTIONS TO THE DEADLINES.** The applicant or someone representing the applicant **MUST ATTEND** the hearing.

Any application for a hearing before the Zoning Board in an Industrial Commercial Area or for non-residential use or residential use exceeding 2 dwellings on lots within an approved subdivision plan, must submit the site plan to the Planning Board.

- All Variances for subdivision of property abutting any highway or road must have a plan submitted to the Planning Board for approval or disapproval.
- All Variance or Special Permit requests concerning Stables, kennels, or Veterinary hospital or enclosing of animals in pens must have prior written approval from the Board of Health. A copy of this approval must be attached to the application.
- Please note that there are certain criteria which you are expected to meet in order to be approved for a Variance or Special Permit. A copy of the criteria is enclosed in this packet.

- If your Variance or Special Permit has been approved there is a 20-day appeal period which starts when the ZBA Clerk submits a written decision to the Town Clerk. The ZBA clerk by law has 14 days after the date of the hearing in which to do this. NO PERMITS CAN BE ISSUED UNTIL AFTER THE 20 DAY APPEAL PERIOD HAS PASSED. At that time, you will receive from the Town Clerk's Office a stamped copy of the decision, which must be filed by the applicant, at the Taunton Registry of Deeds. You MUST GET A RECEIPT OR A STAMPED COPY FROM THE REGISTRY OF DEEDS TO PROVE THAT IT WAS IN FACT RECORDED.
- Then you may take your receipt to the Building Inspectors office and apply for a building permit

**IF YOU HAVE ADDITIONAL QUESTIONS, PLEASE CONTACT THE ZBA CLERK AT 508-699-0126**

## FAQ:

### HOW DO I KNOW IF I NEED A VARIANCE OR SPECIAL PERMIT?

The Building Inspector is the Zoning Enforcement Official. When the Inspector reviews your application for a building permit, he will decide if you need to seek a Variance, Special Permit or Exception from the Zoning Board of Appeals.

If the Building Inspector has determined that you need to apply to the Zoning Board of Appeals, then you, the applicant, shall pick up the application and all accompanying documents (referred to as the "Zoning Packet") from the Building Inspectors Office. To fully complete the application process, you must follow the detailed list of instructions included in the "Zoning Packet".

### WHAT DOES IT COST TO SUBMIT AN APPLICATION TO THE ZBA?

All Commercial & Industrial applications (not to include residential "home occupations") and Multiple Residential Units requesting the allowance of over three housing units, shall pay a \$400.00 application fee and an additional \$100.00 fee for each additional Variance and / or Special Permit being requested (ex. 1 front yard setback variance request & a Special Permit request would be a \$500.00 Application fee). Checks are made payable to The Town of North Attleboro. In addition to the application fee, the applicant shall submit a check made payable to The Sun Chronicle (please refer to the instruction sheet for the current rate) and any postage fees associated with the application as determined by the Zoning Clerk. The Board will deny any application that is submitted without the proper fees.

Any Residential applications (including a residential use request in a Commercial or Industrial Zone, but not exceeding three units, anything over 3 units shall fall under the commercial / industrial rates) shall pay a \$75.00 application fee, made payable to The Town of North Attleboro. In addition to the application fee the applicant shall submit a check made payable to the "Sun Chronicle" in the amount specified on the "instruction sheet" to cover the cost of advertising the application and any postage fees associated with the application as determined by the Zoning Clerk. **The Board will deny any application that is submitted without the proper fees.**

Appeals from a Decision from the Inspector of Buildings shall pay a \$75.00 application fee, made payable to the Town of North Attleboro. In addition to the application fee the applicant shall submit a check made payable to

the "Sun Chronicle" in the amount specified on the "instruction sheet" to cover the cost of advertising the application and any postage fees associated with the application as determined by the Zoning Clerk. The Board will deny any an application that is submitted without proper fees.

Comprehensive Permit applications, which are filed in accordance with M.G.L. Chapter 40B shall pay a \$1500.00 fee for an application containing 100 units or less. On applications, which are requesting over 100 units, there is a \$1500.00 fee for the first 100 units plus an additional \$100.00 for each additional unit exceeding 100. The applicant will also be required to submit \$30,000 (This amount can be adjusted at the discretion of the Board of Appeals) for "Review Fees" for the hiring of outside consultants, to be placed in a Revolving Account. If the account falls below 50% of the requirement set by the Board, the applicant must deposit an additional amount to return the account to the required level. In addition to the above-mentioned fees the applicant must also submit a check in the amount specified on the "instruction sheet" made payable to the "Sun Chronicle"" to cover the cost of advertising the application and any postage fees associated with the application as determined by the Zoning Clerk... Failure to fulfill the above listed requirements could constitute an incomplete application and be considered sufficient grounds for denial of said application.

If any check comes back listed as "insufficient funds" the Board will require a bank check or cash payment to be submitted prior to the date of the scheduled hearing. If no such payment is received before the hearing, then the Board will deny the application.

Upon receipt of the application at the Town Clerks Office, the Zoning Clerk will submit a legal advertisement to the Free Press. Upon publication, a copy of the legal notice will be sent to all abutters as listed on the "Certified Abutters List". A copy will also be sent to the applicant and the owners of the property in question.

### AT THE HEARING:

The Zoning Board Clerk will have an "Agenda" listing all applications, in their order of appearance, before the Board that evening. Copies will be available at the meeting. First, the Board will handle any continuances from prior hearings. Upon completion of the "old business" the Board begins to hear the new applications. The order of appearance is determined by the date of an applications submittal to the Town Clerks Office. New applications are generally heard in the order in which they were received.

The Board will read each application and any letters that were submitted to the Board regarding each application. Please note that any letter that the Clerk of the Board receives will not be made public until the Board members receive copies. Typically, the Board decides the same night as the original hearing. In some instances, a continuation may be needed if there are pending questions or issues that need further examination. The same five members must decide any continued application. Only the members who were present when the hearing was first heard can vote.

To receive approval from a five-member Board, the vote must be in favor of the applicant by either a 5-0 or 4-1 vote. In an instance where the vote is 3-2, with three members in favor of an application and two members opposed, the application is denied.

If only four members of the Board are present and voting, to receive approval, the vote must be 4-0 in favor of the applicant.

## THE VOTE'S BEEN TAKEN, WHAT HAPPENS NOW?

Once the Board votes to approve or deny an application, there is a 14 Calendar Day period in which the Decision is written by the Clerk and signed by the members of the Board. On the fourteenth day, the decision is date stamped by the Town Clerk and a 20 Calendar Day appeal period begins.

The Clerk of the Zoning Board will send a copy of the decision to the applicant and owners of record.

**This copy is for your records only. This is NOT the copy that you register.**

Once twenty days have passed and no appeals have been received, the Town Clerk will send an attested copy of the written decision to the owner of record as listed on the Zoning Board application. **THIS ATTESTED COPY NEEDS TO BE FILED WITH THE REGISTRY OF DEEDS.** There is a fee for registering the document. RETAIN A RECEIPT OF THIS TRANSACTION as the Building Inspectors office WILL NOT ISSUE A PERMIT unless you can prove that the Zoning Decision has been filed with the Registry of Deeds.

## FREQUENTLY ASKED QUESTIONS:

*Will I get my money back if I am not approved or withdraw my application?*

No. Once your application has been submitted and has been advertised there will be no refunds.

*What if my neighbor is opposed to the project?*

The meeting is an open meeting, and variances & special permits are a privilege, not a right. Therefore, if your neighbor has concerns or problems with your proposal the Board will listen to their concerns. The Board's decision, however, is based on merits of the application with consideration given to the required criteria as listed in the Zoning By-laws under Section VIII(I)(8) and Section VIII(I)(9).

*Do I have any options if the Board denies my application?*

When your application is denied you cannot reapply to the Zoning Board of Appeals with that same application until two years have passed. The only exception is if you request permission to file a repetitive petition with the Planning Board (under its rules and fee schedule) and the Planning Board determines that there is something significantly different about your application and allows you to return to the Zoning Board.

As the applicant you also have the right to appeal the Zoning Board's decision. Any appeal should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and shall be filed within twenty days after the date of the filing of your decision with the Town Clerk.

*Can the Board or the Clerk recommend a good attorney in town to represent me on my zoning application?*

The Board and the Clerk will not make any recommendations for legal counsel as it presents a conflict of interest.

**COMPREHENSIVE PERMIT APPLICATIONS UNDER CHAPTER 40B REQUIRE THE FOLLOWING ITEMS:**

1. **DOCUMENTATION OF SITE CONTROL:** Showing that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01 that is,
  - The applicant shall be a public agency, a non-profit organization, or a limited dividend organization.
  - The project shall be fundable by a subsidizing agency under a low and moderate-income housing subsidy program and
  - The applicant shall control the site.
2. PRELIMINARY SUBDIVISION PLAN where a subdivision of land is involved.
3. PRELIMINARY SITE DEVELOPMENT PLANS Showing the locations and outlines of proposed buildings; the proposed locations, general dimensions, and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site.
4. EXISTING SITE CONDITIONS REPORT and a summary of conditions in the surrounding areas showing the location and nature of existing buildings, existing street elevations, traffic patterns, and character of open areas, if any in the neighborhood.
5. PRELIMINARY SCALED ARCHITECTURAL DRAWINGS for each building: Drawings shall be signed by a registered architect and shall include typical floor plans, typical elevations and sections, and shall identify construction type and exterior finish.
6. TABULATION OF PROPOSED BUILDINGS by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings by parking and other paved vehicular areas, and by open areas.
7. PRELIMINARY UTILITIES PLAN showing the proposed location and types of sewage, drainage, and water facilities, including hydrants.
8. LIST OF REQUESTED EXEMPTIONS to local requirements and regulations, including local codes, ordinances, by-laws or regulations.
9. PROPERTY LOCATION MAP showing all Abutters to whom notice is required.
10. PROJECT FINANCIAL PRO FORMA
11. DEVELOPER(S) PROFILE including experience and qualifications to successfully complete proposed project
12. REVIEW FEES FOR THE HIRING OF OUTSIDE CONSULTANTS:

The initial amount required for a Comprehensive Permit "Review Fee" shall be \$30,000. This amount can be adjusted at the discretion of the Board of Appeals. If the account falls below 50% of the requirement set by the Board, the applicant must deposit an additional amount to return the account to the required level. Failure to fulfill "Review Fee" requirements could constitute an incomplete application and be considered sufficient grounds for denial of said application.



# ZONING BOARD OF APPEALS FEE SCHEDULE

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## APPLICATION TYPE

## FEE

Variance/Special Permit -Residential

**\$75.00**

Exception: Residential structures in excess of 3 units \$400.00 plus an additional \$100.00 For each additional form of relief being sought.  
Ex: If you need a setback variance & a square footage variance. Fee \$500.00

Variance/Special Permit -Commercial

**\$400.00**

plus an additional \$100.00 For each additional form of relief being sought.  
Ex: If you need a setback variance & a square footage variance. Fee \$500.00

Appeal of the Building Inspector's Decision

**\$75.00**

Comprehensive Permit

Up to 100 Units - \$1500.00

Over 100 Units - additional \$100 per unit  
(Plus a \$30,000 Deposit for review Fees)

Legal Notice

To be determined - Will be Contacted

Postage Fee

To be determined - Will be Contacted



TOWN OF NORTH ATTLEBOROUGH

43 South Washington Street, North Attleborough | P(508) 699-0100 | WWW.NATTLEBORO.COM/ZONING-BOARD-OF-APPEALS

## ZONING BOARD OF APPEAL

### HEARINGS & DEADLINE DATES FOR 2022\*

**PUBLIC MEETING LOCATION:** LOWER-LEVEL CONFERENCE ROOM, TOWN HALL

**TIME:** BEGIN AT 6:30 P.M.

**TIME:** 6:30 PM

<b>MEETING DATE:</b>	<b>SUBMITTAL DEADLINE:</b>
<b>TUESDAY</b>	<b>WEDNESDAY AT 4:00 PM</b>
January 18, 2022	<i>December 15, 2021</i>
February 15, 2022	<i>January 19, 2022</i>
March 15, 2022	<i>February 16, 2022</i>
April 19, 2022	<i>March 16, 2022</i>
May 17, 2022	<i>April 20, 2022</i>
June 21, 2022	<i>May 18, 2022</i>
July 19, 2022	<i>June 22, 2022</i>
August 16, 2022	<i>July 20, 2022</i>
September 20, 2022	<i>August 17, 2022</i>
October 18, 2022	<i>September 21, 2022</i>
November 15, 2022	<i>October 19, 2022</i>
December 13, 2022	<i>November 16, 2022</i>

\* NO EXCEPTIONS WILL BE MADE TO DEADLINES