



*This packet provides an overview of the North Attleboro 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.*

*If You Have Additional Questions, Please Contact the ZBA Office At 508-699-0100 XT 2596*

**All the Following information MUST be Submitted with any application to be considered by the Board of Appeals**

## APPLICATION CHECKLIST

- Completed Application Form, issued automatically by the online application system
- Statement of Hardship (for a variance) or Statement of Grounds (for a special permit)
- Plans and elevations, as described in the Notice to Applicants  
*In addition, if expanding the footprint of an existing building or applying for new construction:*
  - o Certified plot plan, to scale.
- In addition, if seeking relief for building height:*
  - o Streetscape rendering, to scale
- Certified Abutters list
- Application fees (per fee schedule)
  - o Application Filing Fee (credit card, or check to Town of North Attleborough)
  - o Legal Ad and Postage Fees (checks to North Star Reporter & USPS- TBD)
- Signature of property owner on the Application or consent letter from property owner
- Previous applications to the Board of Appeals involving this property.

## GETTING STARTED...

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 from the Zoning Board of Appeals.

The Town of North Attleborough is now using an online system for permit applications. This new system will streamline the application process for both the applicants and Town staff.

Applicants can fill out the Zoning Board of Appeals applications at a time and location of their convenience; payment by credit card or mail in a check into the ZBA office. An e-mail address is required to access this system.

Please navigate to <https://northattleboroughma.viewpointcloud.com/categories/1087> to access the Zoning Board of Appeals application. The online application form follows the same information as provided in the printed application for reference.

Before filling out the application, be certain you know which application you should file. Filing the wrong or incomplete application could result in you spending time and money unnecessarily, but it could also lead to an unnecessary denial of your application by the ZBA.

**The burden for preparing and submitting a complete ZBA application is with the applicant.**

## GENERAL INFORMATION:

### **Applications facilitated by the Zoning Board:**

Special Permit Petitions (*unless otherwise specifically noted, the Zoning Board is the special permit granting authority*)  
Variance Petitions  
Appeals of the decision of the Building Inspector

### **Timeframe:**

**Special Permit Applications:** The Zoning Board must conduct a public hearing within sixty-five (65) days of the filing date of the petition with the Town Clerk and must render a decision within ninety (90) days from the close of the public hearing. The Zoning Board may extend the timeframe upon written mutual agreement with the petitioner.

**Variance Applications:** The Zoning Board must conduct a public hearing within sixty-five (65) days of the filing date of the petition with the Town Clerk and must render a decision within one hundred (100) days from the filing date of the petition with the Town Clerk. The Zoning Board may extend the timeframe upon written mutual agreement with the petitioner.

**Appeals:** The Zoning Board must conduct a public hearing within sixty-five (65) days of the filing date of the petition with the Town Clerk and must render a decision within one hundred (100) days from the filing date of the petition with the Town Clerk.

**Filing of Decisions:** The Clerk of the Zoning Board must file all decisions rendered by the Board with the Town Clerk within fourteen (14) days of the decision date and not later than the decision deadline, whichever is sooner.

**Appeal Period:** Once a decision of the Zoning Board is filed with the Town Clerk, a twenty (20) day appeal period commences during which time any “party-in-interest” may file an appeal of the Zoning Board decisions pursuant to MGL CH. 40A, §17 (THE ZONING ACT).

## APPLICATION INSTRUCTIONS

In accordance with the bylaws of the Town of North Attleboro, no application will be processed if real estate taxes, licenses and permit fees or any other municipal charges are owed by either the applicant or the property owner.

Applicants can fill out the Zoning Board of Appeals applications at a time and location of their convenience; payment by credit card or mail in a check into the ZBA office. An e-mail address is required to access this system.

Please navigate to <https://northattleboroughma.viewpointcloud.com/categories/1087> to access the Zoning Board of Appeals application.

All applications must be filled out completely and all information requested on the form must be supplied by the applicant. The online system for applications will guide you through the process of drafting a complete Application Form. **If you are unsure of what you need, please check with the building department.** Incomplete or improperly filed applications will be returned to the applicant for resubmission. As part of your complete ZBA application you are required to submit a plot plan that clearly identifies the lot where the requested zoning relief is sought. **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.) These plans must be uploaded to the online application as attachments.
- B. Inside layout of the home along with finished outside views including front, side & rear elevations including height and roof pitch. Although professionally drawn plans are not required, they are encouraged. Scaled drawings are a critical part of all applications, and it is important you provide a clear, complete, and accurate depiction of what you are proposing.

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

A certified plot plan is required and must be stamped and dated by a registered engineer or land surveyor for all new construction and any construction to existing structures where the proposed work would affect the structure's footprint.

A certified plot plans must be included the following items:

- a) If petitioner seeks dimensional variances, plans must include a chart showing how the proposal falls short of the Ordinance's requirements.
- b) Plans must show all existing features of the property relevant to the proposed project, including without limitation, proposed HVAC locations, any easements, water, sewer and gas lines, underground electrical lines, paper streets, conservation areas, wetlands or waterways, hazardous waste disposal sites or historical sites.
- c) If off-street parking is required by the Ordinance, plans must show the layout and number of parking spaces set aside for the proposed use. Proposed parking layouts must include access ways and buffer zones.

### **Certified List of Abutters**

A certified abutters list that must also accompany your ZBA application. That can be access online at [Assessors - Assessors - ViewPoint Cloud](#) 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.

***The Zoning Board reserves the right to request any other reasonable information that it deems helpful to evaluate a site plan, such as drainage reports and traffic studies (the Board requires that such documents be signed and stamped by, for example, a professional engineer).***

### **Application Filing Fee**

This Fee can be paid by credit card as part of the online application, or by check made payable to The Town of North Attleborough. This fee will be automatically calculated by the online application system.

***Your application fees must be paid; if the fee is not properly included; the application is considered incomplete and will not be accepted.***

Notice of the public hearing for the application will be printed in The North Star Reporter and a notification will be sent out to the abutters that the applicant is responsible for the payment.

- A check made Payable to the "**North Star Reporter**", in the amount to be determined by the Zoning Clerk
- AND
- A second check made payable to **U.S. Postal Service** 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.

**IMPORTANT!** Although it is not a requirement for submission you may wish to contact an attorney to help with your application and public hearing. The petitioner or their legal representative **must attend** the public hearing.

## **FILING FEES:**

### **APPLICATION TYPE**

### **FEE**

*Residential - Variance*

**\$100.00**

*Special Permit*

*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*

*Commercial - Variance*

**\$400.00**

*Special Permit*

*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*

**\$100.00**

*Comprehensive Permit*

**\$1500.00**

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

*In-Law Apartment*

**\$200.00**

*Includes the In-law Certificate required by Building for permits*

### **Why do I have to pay a filing fee?**

Everyone that submits an application to the ZBA is required to submit a non-refundable filing fee, payable online or by check to the Town of North Attleborough. The fee covers the cost of processing the application and decision, all of which is required by Massachusetts General Law.

**IF YOU HAVE ADDITIONAL QUESTIONS, PLEASE CONTACT THE ZBA CLERK AT 508-699-0100 x2596**

**Zoning Board of Appeals Meeting Schedule is available online at the Town of North Attleborough's website.**

## **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 to 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

***What if I need to request a postponement?***

All requests for postponement will be considered on the scheduled hearing date. The petitioner must appear before the Board. If that is not possible an appointed representative of the petitioner must appear with a signed letter of authorization to act on their behalf. The appointed representative must be authorized to sign an extension of time limits of approximately 30-90 days. If the Board grants the postponement, an agreed upon hearing date will be set and announced at that time, to accommodate the petitioner and the abutters. The Board will not re-advertise or re-notify abutters of the newly scheduled hearing. informational purposes.

***Can I withdraw my application?***

You may withdraw your application without prejudice prior to the publication of the notice of a public hearing. If you withdraw prior to the publication of the notice, your filing fee is refundable. If the public hearing notice has been published, the ZBA must approve your request to withdraw without prejudice at the scheduled hearing date.

## **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.