



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

APPLICATION FOR HEARING

1. Name of Applicant: _____
2. Mailing Address of Applicant: _____

Telephone Number: (____) _____
3. Address or Location of Property – Subject of the Hearing:

4. Owner of the Property: _____
5. Mailing Address of Owner: _____

6. Applicant is (Check) Owner _____ Tenant___ Licensee _____
Prospective Purchaser _____ Abutter___ Other _____

If “Other”, (Explain): _____

7. Registry of Deeds Book No. _____ Page No. _____
Zoning District of Parcel _____
8. Nature of Application: (Check as needed)
_____ a. Special Use Permit in accordance with Mass . G.L. Chapter 40A, Section 9, as amended, and Sections 11.06 and 11.07 of the Foxborough Zoning By-Laws.

_____ b. Variance in accordance with Mass. G.L. Chapter 40A, Section 10, as amended, and Section 11.03 of the Foxborough Zoning By-Laws.

_____ c. Administrative Appeal in accordance with Mass. G.L. Chapter 40A, Section 8, as amended, and Section 11.04 of the Foxborough Zoning By-Laws.

_____ d. Finding by the Board of Appeals in accordance with Section 10.01 of the Foxborough Zoning By-Laws.

_____ e. Other (explain)

9. State the **EXACT NATURE OF ACTION OR RELIEF REQUESTED** by this Application. This information will be used to post the public announcement and **IT MUST BE ACCURATE**. (See Appendix E)

10. Complete the following checklist and include **ALL** enclosures with Application.

- _____ a. Ten (10) copies of the locus of the property;
- _____ b. Ten (10) copies of the site plan (where applicable);
- _____ c. Ten (10) copies of all building plans (where applicable);
- _____ d. Ten (10) copies of the letter of denial or determination from the Building Commissioner;
- _____ e. Ten (10) copies of a completed APPENDIX A. Use this only for an application for a Variance;
- _____ f. Ten (10) copies of this Application for Hearing;
- _____ g. Ten (10) copies of an updated **CERTIFIED** list of abutters from the Board of Assessors;
- _____ h. Ten (10) copies of an instrument signed by all owners of the site, authorizing the applicant to file the Application, if applicant is other than the owner;
- _____ i. A check or money order, payable to the Town of Foxborough, as specified in Appendix D.

**FOXBOROUGH ZONING BOARD OF APPEALS
INSTRUCTIONS FOR THE FILING OF APPLICATIONS**

All Applications to the Board will be acted upon, but because of several legal requirements, all information must be completed and correct to the best of the applicant's knowledge.

INCOMPLETE APPLICATIONS MAY CAUSE DELAYS AND MAY BE DEEMED INVALID AND REJECTED. No member of the Board may volunteer information, advice, or answer any questions about your Application, as this may be deemed prejudicial. It is suggested that any legal questions be directed to an attorney. The completed Application and all required attachments shall be delivered to and filed with the Town Clerk.

Ten (10) copies of each application shall be filed and signed by all owners of site, **or if filed by an applicant other than the owner of the site, then three (3) copies of the Application shall be accompanied by an instrument signed by all owners of the site, authorizing the applicant to file the application in the office of the Town Clerk.**

Lines 1-6 are basic information.

Line 7 Registry of Deeds book and page number may be obtained at the Board of Assessor's Office. The zoning district may be obtained from the Building Commissioner.

Line 8a Special Use Permit is required for any construction or use designated under Table 4 in the By-Laws (uses designated by SUP require a Special Use Permit).

Line 8b The Building Commissioner will have determined that you need a Variance. A Variance is a petition to grant an extraordinary remedy with respect to land or structures. See attached Appendix A, Variance Conditions and Worksheet.

Line 8c An Administrative Appeal is an action that may be taken if you are aggrieved by reason of your inability to obtain a permit or an enforcement action from the Building Commissioner.

Line 8d Findings are required for alterations, extensions or reconstructions of pre-existing, non-conforming uses and structures. The Building Commissioner will have determined if your use or structure is non-conforming.

Line 9 State the **EXACT NATURE OF ACTION OR RELIEF REQUESTED** by this Application. This information will be used to post the public announcement and **IT MUST BE ACCURATE.** See Appendix E, Examples of Exact Nature of Action or Relief Requested.

Line 10a You must provide an Assessor's map or maps which show the location of your property and all abutting property. See Appendix C, Request for a List of Abutters.

Line 10b The site plan must include the following:

1. Scale of document;
2. Property lines, dimensions, square footage of lot;
3. Names of streets;
4. North Point;
5. Location of all building or porches, decks and driveways with pertinent setback dimensions of each structure;
6. Present use of property (i.e. single family, apartment, business and etc.)
7. Mark each abutting property with it's owners name;
8. All proposed changes must be shown in red on at least one copy of the site plan;
9. Location of septic system;
10. Location of any existing easements.

Line 10c Building plans of all proposed buildings, alterations, or additions must be furnished; the plans need not be those of a registered architect or engineer but must include at least the following: Elevations and all exterior alterations or new construction and elevations.

Line 10d If this application is for an Appeal based upon a denial or determination of the Building Commissioner, attach ten (10) copies of the letter of denial or determination from the Building Commissioner. If this application is an appeal of an enforcement action by the Building Commissioner, attach ten (10) copies of your request for Building Commissioner's action along with the Building Commissioner's determination.

Line 10e See attached Appendix A, Variance Conditions and Worksheet.

Line 10g Two (2) copies of a **CERTIFIED** List of Abutters. This **CERTIFIED** list must be obtained from the Assessor's Office. See Appendix C, Request for a List of Abutters.

Tax Collector's

Release: To obtain this approval, you must go to the Tax Collector's Office and bring your application.

Procedural

Notes: Except in the case of a Special Permit application the Zoning Board is required by Mass G.L. Chapter 40A, Section 15 to reach a final decision within 100 days of filing an appeal or application. In the case of Special Permit applications, the Zoning Board is required by Mass G.L. Chapter 40A, Section 9 to reach a final decision within 90 days from the hearing date.

Complex matters may require the parties to provide more information, or a legal basis to support their position. Occasionally, the Zoning Board may view the

property as a group during a sitewalk. In such instances, the Zoning Board may request an extension of the deadlines described above, by having the applicant sign a waiver of the time within which the Zoning Board is required to reach a final decision as to a particular application.

A formal written decision of the Zoning Board becomes official and may be relied upon by the applicant after the appeal period expires and the decision is filed with the Norfolk County Registry of Deeds. After a decision is filed with the Town Clerk by the Zoning Board, the decision may be appealed within 20 days of its filing date. If the Zoning Board approves an application for a Variance or Special Permit, the applicant should take the decision of the Zoning Board to the Town Clerk after the appeal period has expired for certification that no appeal has been filed. The certified decision is then ready to be recorded with the Norfolk County Registry of Deeds.

- **A VARIANCE OR SPECIAL PERMIT INVOLVING CONSTRUCTION MUST BE RECORDED AT THE REGISTRY OF DEEDS BEFORE IT BECOMES EFFECTIVE**

The Zoning Board of Appeals files written decision with the Town Clerk. The Zoning Board of Appeals will then send the applicant a copy of the decision by CERTIFIED MAIL.

Following are the steps required to be followed by the Applicant to process an approved Special Permit or Variance as a condition to issuance of a Building Permit pursuant to Mass General Law Chapter 808, Section 11:

1. After the expiration of 20 calendar days from the date of filing with the Town Clerk, bring your copy of the Zoning Board of Appeals decision to the Town Clerk. If no appeal has been filed then the Town Clerk will stamp the decision to certify that no appeal has been filed.
2. Take the Zoning Board of Appeals decision with the Town Clerk's stamp (certifying that no appeal has been filed) to the Norfolk Registry of Deeds in Dedham. The Registry of Deeds will record the decision and give a receipt to you.
3. Bring the receipt from the Norfolk Registry of Deeds to the Building Department for a building permit.

APPENDIX A

**Variance Conditions and Worksheet
(Per Mass. G.L. Chapter 40A, Section 10)**

Please respond to the following directives, to the best of your ability.

1) From which provision(s) of the Foxborough Zoning By-Laws are you seeking relief?

2) Describe what circumstances exist relating to the soil conditions, shape or topography of the subject premises which do not generally affect other land in the zoning district in which the subject premises are located.

3) Describe what hardship would be caused by the circumstances listed in Question 1 above.

4) State why the Variance will not cause substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the Foxborough Zoning By-Laws.

APPENDIX B

HOME OCCUPATION CHECKLIST

The Board of Appeals may issue a SPECIAL USE PERMIT to a resident to USE his/her DWELLING UNIT or ACCESSORY BUILDINGS to conduct a HOME OCCUPATION (considered an ACCESSORY USE). The Permit shall not be transferable to a person other than the person to whom the Permit was granted and it terminates upon the transfer of his/her residency at the location for which the permit application was made. The following criteria must be met for approval of a permit for a Home Occupation:

1. No external part of any STRUCTURE or BUILDING shall be modified or constructed in any way that is not normally or usually found in a residence, or which detracts from its appearance as a primarily residential STRUCTURE. The home occupation must not produce noise or odor beyond the limits of the lot.
2. The area devoted to the home occupation shall not exceed 40 percent of the floor area of the dwelling.
3. The resident to whom the SPECIAL PERMIT is granted may not employ more than two non-family members at that location.
4. Outside storage or display of any goods, material, or equipment is prohibited.
5. RETAIL sales shall not be allowed; except those items that are manufactured, crafted or produced by the residents at the location for which the Permit was granted, and antiques and the like.
6. Necessary off-street parking must be provided.

The Zoning Board may impose such conditions concerning a Home Occupation Special Use Permit that it deems reasonable and appropriate (e.g., concerning hours of operation).

APPENDIX C

REQUEST FOR A LIST OF ABUTTERS & ASSESSORS' MAP

Address or Location of Property-Subject to Hearing:

Property Owner: _____

Applicant: _____

Applicant's Address: _____

Telephone #: (____) _____

Please allow ten (10) working days for the Assessor's Office to complete abutters' list.

The list shall contain the names and addresses of all abutters, owners of land directly opposite on any public or private way or street, and abutters to the abutters within 300 feet of the property line of the applicant as they appear on the most recent tax list; notwithstanding that the land of any such owner is located in another city or town. The abutters' list shall contain Registry of Deeds book number and page number, and zoning district of the parcel. The abutters' list must be **CERTIFIED** by the assessors' office. The assessors' Map shall contain the location of your property and all abutting property including any keys, legends and scales.

APPENDIX D

FEE STRUCTURE

A filing fee shall be made payable to the “Town of Foxborough”. An advertising fee shall be made payable to the “Foxboro Reporter”. The filing fee for Comprehensive Permits is determined by the formula appearing in Section 5.03 of the Rules and Regulations. The fees for the applications are as follows:

Application Type	Filing Fee*	Advertising Fee
Single Family and Lot Variances (including home occupations)	\$150	\$75
Variances in non-residential zones	\$300	\$75
Special Use Permit in non-residential zones	\$300	\$75
Multi-Family	\$200 plus \$75 for each unit in excess of 2	\$75
Appeals of Zoning Enforcement Officer	\$150	\$75
Finding	\$150	\$75
Signs	\$200	\$75

**Each request within an application is subject to the applicable filing fee listed; fees for multiple requests are aggregated but a single advertising fee applies. For example, an application containing requests for both a variance and a special use permit in a non-residential zone would entail a filing fee of \$600 plus an advertising fee of \$75.*

APPENDIX E

EXAMPLES OF EXACT NATURE OF ACTION OR RELIEF REQUESTED

Applicant's Name, for a Finding to erect a 5' x 10' enclosed porch and a 12' x 36' deck on a non-conforming lot at 101 NoWhere Lane, Foxborough, MA

Applicant's Name, for a Special Use Permit to conduct a Home Occupation, to sell used books at 101 NoWhere Lane, Foxborough

Applicant's Name, for a Variance to construct an accessory building within six feet of side setback at 101 NoWhere Lane, Foxborough, MA