



Town of Rehoboth
Zoning Board of Appeals
148R Peck Street
Rehoboth, MA 02769
Tel: 508.252.6891
Fax: 508.252.5342

Revised: January 14, 2014

File Number _____

The Undersigned hereby apply for a (check all that apply):

- Variance (MGL c40A s10)
- Special Permit (MGL c40A s9)
- Appeal of Administrative Officer (generally Building Inspector) (MGL c40A s8)
- Modifications of Conditions of a Previous Application

in accordance with the said Bylaws, and all Amendments thereto, and the General Laws of The Commonwealth of Massachusetts.

- 1.) APPLICANTS NAME: _____
- 2.) OWNER(S) OF PROPERTY: _____
- 3.) LOCATION OF PROPERTY: Street Number _____ on the _____ side of _____ Street.
- 4.) ASSESSOR'S MAP NO. _____ PLAT NO. _____ LOT NO. _____
- 5.) HAVE YOU PREVIOUSLY FILED AN APPLICATION WITH THE ZONING BOARD OF APPEALS? _____ Y _____ N
 - a) WAS IT FOR THIS PROPERTY? _____
 - b) IF SO, WHAT WAS THE FILING DATE? _____
 - c) THE FILE NUMBER? _____
 - d) AND THE HEARING DATE? _____

*** PLEASE PROVIDE A COPY OF THE DECISION IF ONE WAS RENDERED.**

6.) DESCRIBE IN DETAIL THE REASON / PURPOSE FOR THIS APPLICATION
(attach additional sheets if necessary)

7) IS THIS A PRE-EXISTING NONCONFORMING USE / BUILDING? _____
IF SO, IN WHAT YEAR DID USE START? _____ IF YOU SEEK AN
EXPANSION, CHANGE OR ALTERATION OF A LEGAL PRE-EXISTING USE OR
BUILDING, YOU MUST APPLY FOR A SPECIAL PERMIT UNLESS THE
BUILDING IS A SINGLE OR TWO FAMILY HOME THAT WILL NOT BECOME
NONCONFORMING.

8.) TO BE GRANTED A VARIANCE, THE APPLICANT MUST ESTABLISH THAT
CERTAIN CONDITIONS EXIST AFFECTING THE PARCEL OF LAND AND / OR
BUILDING, THAT LITERAL ENFORCEMENT OF THE ZONING BY-LAW
WOULD INVOLVE SUBSTANTIAL HARDSHIP, FINANCIAL OR OTHERWISE,
AND THAT THE VARIANCE MAY BE GRANTED WITHOUT DETRIMENT TO
THE PUBLIC GOOD AND WITHOUT NULLIFYING OR SUBSTANTIALLY
DEROGATING FROM THE INTENT OF THE BY-LAW. BE PREPARED TO
PRESENT THIS DATA AT THE HEARING.

IT IS RECOMMENDED THAT THE PETITIONER OBTAIN PROFESSIONAL
ADVICE REGARDING THESE REQUIREMENTS. THE FAILURE TO
ADEQUATELY PROVE ANY OF THESE ITEMS COULD RESULT IN DENIAL.

9.) PERMISSION IS HEREBY GRANTED TO THE ZONING BOARD OF APPEALS
MEMBERS AND/OR IT'S ZONING ENFORCEMENT OFFICER TO INSPECT THE
PREMISES AT ANY TIME.

10.) ALL STATEMENTS MADE ON THIS APPLICATION AND WITH THE
ACCOMPANYING DOCUMENTATION ARE TRUE AND COMPLETE TO THE
BEST OF MY/OUR KNOWLEDGE AND BELIEF.

11.) THE APPLICANT SHALL BE RESPONSIBLE FOR THE COST OF THE ABUTTER
NOTIFICATIONS, WHICH CAN BE CALCULATED UNDER THE CURRENT RATE
OF POSTAGE.

12.) THE APPLICANT SHALL BE RESPONSIBLE FOR THE COST OF THE LEGAL ADVERTISEMENT TO PUBLICIZE THE HEARING. THIS ADVERTISEMENT GENERALLY RUNS IN THE TAUNTON DAILY GAZETTE. THE ZONING BOARD OF APPEALS OFFICE WILL CONTACT THE APPLICANT FOR PAYMENT, ONCE THE INVOICE IS RECEIVED FROM THE GAZETTE.

13.) **SIGNATURE OF APPLICANT(S)**

_____ DATE

_____ DATE

SIGNATURE OF OWNER(S)

_____ DATE

_____ DATE

14.) **MAILING ADDRESSES:**

APPLICANT: _____

PHONE #: _____

OWNER: _____

PHONE #: _____

Received by Rehoboth Town Clerk

Date: _____

Time: _____

Attest: _____

Town Clerk

_____ \$200.00 Application Fee

_____ Abutter Notification Fee of \$ # of abutter x \$6.80

_____ \$200.00 Legal Advertisement Fee (Copy to Accounting Dept.)
(To be verified by ZBA Administrative Aide)

_____ Applicant's Name

_____ Property Location

Zoning Board Applications

Any questions, please call David J. Pereira II

@ 508-523-0633

Email: baystatetrading@hotmail.com

Applications must be submitted by the 14th of the month preceding the next meeting. For example submit application by March 14th for the April meeting (3rd Thursday of the month).

Abutters List – within 300 feet

Need to Submit:

10 copies of application

10 copies of site plan

1 abutters list

3 sets mailing labels for abutters

\$200.00 Application Fee

\$200.00 Legal Notice Fee

\$ 6.80 per abutter

Rehoboth Zoning Board of Appeals Application Check List

1. Fill out application completely.
2. Acquire list of abutters from tax assessors office, get it certified as being complete. (Payment for each abutter, times number of abutters, to be collected by town clerk's Office, along with application fee of \$200.00 and legal ad cost \$200.00).
3. Print or type the abutters names and address on mailing labels. Such as Avery 5260 or equivalent, 1" by 2 5/8". Three (3) copies of each abutter. Attach one copy to address the Zoning Board of Appeals Legal notice envelope to abutters, one copy to rear of green card, and the other to the white postal receipt.
4. Return address is for Green card.

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5. A copy of legal notice must be placed in each envelope and certified mail to each abutter on the list. (A copy of the Legal notice will be supplied when ad placed in newspaper.)
6. A copy of the application, legal notice and agenda will be put together and mailed to each Zoning Board of Appeals member.



TOWN OF REHOBOTH
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APPLICATION INSTRUCTIONS

Applications for relief from the Rehoboth Zoning Ordinance ("Application") intended to be heard before the Rehoboth Zoning Board of Appeals ("Rehoboth ZBA") must be submitted, in full, to the Rehoboth Town Offices in accordance with these instructions. The individual(s), company (s) or organization(s) seeking relief from the Rehoboth Zoning Ordinance (the "Applicant") shall be **responsible to ensure** that the **Application is Complete**.

SUBMISSION: All completed Applications must be submitted to the Rehoboth Town Clerk whose office is located at the Rehoboth Town Offices. Prior to filing with the Town Clerk, all applications for variances and special permits must first be reviewed by the Clerk of the Board to verify the completeness of the application and compliance with the rules and regulations of the Rehoboth ZBA. Blank Applications may be obtained at the Rehoboth Town Clerk's Office. Applications to the Rehoboth ZBA are intended either to seek relief from the Rehoboth Zoning Ordinance ("Zoning Ordinance") or relief from a determination rendered by the Rehoboth Zoning Enforcement Officer (Enforcement Officer")

PUBLIC MEETING: All public hearings shall close at approximately 9:30 pm and the open meeting shall close at approximately 10:00 pm. The time allocated for formal presentations by an applicant shall be restricted to twenty (20) minutes. Comments by interested citizens shall be restricted to five (5) minutes per individual to speak for or against the Application. The Applicant shall be afforded an additional fifteen (15) minutes for rebuttal and to answer questions raised by interested citizens. Additional time for presentation of an Application or for public comments may be authorized by the Rehoboth ZBA on a case by case basis.

PURPOSE OF RELIEF: There are four (4) forms of relief which a potential Applicant may seek from the Rehoboth ZBA: a variance ("Variance"); a special permit ("special permit"); a comprehensive permit ("comprehensive permit" or "40B"); and an appeal from an action of the Enforcement Officer ("Appeal").

- a. **Variance:** a variance is used when an applicant is seeking relief from a specific provision of the Zoning Ordinance. Variances are requested as a means of relaxing requirements otherwise applicable under the Rehoboth Zoning Ordinance. The Rehoboth ZBA may not authorize Use Variances under the Rehoboth Zoning Ordinance.
- b. **Special Permits:** Special permits involve uses which are permitted under the Zoning Ordinance, but which require Rehoboth ZBA review and approval prior to their allowance.

c. Enforcement: Actions and determinations of the Enforcement Officer may be appealed to the Rehoboth ZBA for their consideration. The Rehoboth ZBA may either affirm or reverse a decision of the Enforcement Officer.

d. Comprehensive Permit or 40B An Applicant seeking approval to construct low to moderate income housing or other land development pursuant to Mass. Gen. Laws ch. 40 S23. Such an Application must follow a separate format from that set forth herein.

CONTENTS OF COMPLETE APPLICATIONS: In order to be placed on an agenda, a potential Applicant must submit TEN (10) COMPLETE and collated APPLICATIONS to the Rehoboth Town Clerk. ONE (1) copy of the application shall be filed by the Town Clerk and NINE (9) Copies will be forwarded to the Rehoboth ZBA. Complete Applications must include the Following information:

- A. Application form. This form must be the cover sheet of the Application and must be fully completed by the Applicant or the Applicant's authorized agent.
- B. The Applicant shall provide a completed site plan produced by a duly licensed registered engineer or land surveyor. The information required to constitute a complete Site Plan is detailed beginning on page five (5) of these instructions ("Site Plan"). Regardless of the size of the Site Plan, it must be folded into an 8 ½ "X11" format and attached to the Application. If the Site Plan is submitted in multiple sheets, each sheet shall be identified to show relation to the whole; e.g. "Sheet 2 of 4", ECT.
- C. If the Applicant is an Appeal from a decision of the Enforcement Officer, the Application must include ALL CORRESPONDENCE between the Applicant and the Enforcement Officer, including but not limited to, a copy of the letter submitted to the Applicant from the Enforcement Officer describing the manner in which the property application or violation fails to conform with the Rehoboth Zoning Ordinance.
- D. The Applicant may provide a copy of the letter, if any, prepared by the Enforcement Officer on the Applicant's behalf, describing the requested relief.
- E. The Applicant must provide a list of those current property owners who, based on the most recent listing in the Tax Assessor's Office, directly abut the subject property. This list should also include owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line as it appears on the most similar be notified. Town borders shall be disregarded by the Applicant in complying with the required abutter notifications. Names and addresses of all abutters must be represented as they appear on the most recent tax records of the City or Town in which the abutting property exists.
- F. The Applicant shall include copies of all filings and ongoing determinations or submissions, if any; made to the Rehoboth Planning Board, Conservation Commission, Board of Health or Board of Selectmen in connection with the property that is the subject of the Application. The Applicant has an ongoing duty to supplement its Application as new filings or information become available to the Applicant.

- G. If the Applicant's proposed plan contemplates removal or disturbance or significant changes in the topography of the lot in question, the Applicant shall provide topographical plans of the property which show both existing and finished grounds contours at a maximum 5-foot interval. If any Special Permit or Variance is requested within recorded floodplain or groundwater protection district, the Applicant shall submit plans depicting the boundary lines of said district on the Site Plan as a necessary part of the Application.
- H. If the Application involves an Appeal arising from a decision of the Rehoboth Enforcement Officer to grant or refuse to grant a permit, the Applicant shall file a copy of the original Application to such Enforcement Officer as part of the Appeal. A copy of such decision shall also be filed with the Appeal.
- I. The Rehoboth ZBA reserves the right to refuse to entertain Applications not in substantial compliance with these rules.
- J. Following the close of the public hearing, there will be no communication written, verbal or otherwise, between the Applicant and the Rehoboth ZBA until such time a decision has been rendered.
- K. Other information. The Applicant may include additional information such as photographs, deeds, etc., which the Applicant may deem helpful to the Rehoboth ZBA in rendering a decision on the Application.
- L. A brief written summary of any and all proposed construction or alterations to the property which the Applicant intends to make to the property if the Special Permit or Variance is granted.

FILING REQUIREMENTS: All Applications must be submitted in a collated packet measuring, 8 ½" X 11" (folded if necessary). The Site Plan accompanying the Application must also conform to the 8 ½" X 11" size requirements, rolled Site Plans will not be accepted. Moreover, Applications deemed incomplete by the Rehoboth ZBA will not be accepted for hearing before the Rehoboth ZBA. Once the Applicant or his/her authorized agent reasonably believes they have satisfied the Application requirements, they shall present the proposed filing to the Clerk of the Board for a recommended determination as to completeness of the filing. Once the Application is complete, the Applicant must file the Application with the Town Clerk and have the Application time stamped. The Application shall then be turned over to the Rehoboth ZBA and scheduled for the next available hearing. The Rehoboth ZBA reserves the right to determine the completeness of each Application. Incomplete Applications—as determined by the Rehoboth ZBA based on these instructions—will not be accepted for hearing before the Rehoboth ZBA.

NOTICE REQUIREMENTS: Under Massachusetts State Law, the Town of Rehoboth is required to send notification of all requests for zoning relief before the Rehoboth ZBA to abutting property owners and neighboring communities. Likewise, notification of the agenda item must appear in a newspaper of general circulation within the Town of Rehoboth. Once a completed, Application had been filed by the Applicant, and deemed complete by the Rehoboth ZBA, the Rehoboth ZBA shall comply with the necessary notification requirements to all abutters on the Applicants behalf and at the **Applicant's expense**.

ASSISTANCE: Questions regarding the Application process, deadlines, and upcoming meetings may be directed to the Rehoboth ZBA through the Rehoboth Town Clerk or the Clerk of the Board. Questions relating to abutters may be directed to the Tax Assessor's Office.

DEADLINES: Without exception, all completed Applications must be submitted to the Town Clerk by the fourteenth day of the month preceding the month in which the Application will be heard, (i.e. submission would be required by March 14th for the April meeting.) Where the fourteenth falls on a day the Town Offices are closed, the next business day will serve as the deadline. The Rehoboth ZBA shall schedule each Application for the next available hearing date as determined by the Rehoboth ZBA.

SITE PLAN REQUIREMENTS: As indicated on page one (1) of these instructions, a Site Plan must be submitted as part of a complete Application. Site Plans must be prepared and drawn by a registered engineer or registered land surveyor. Clear, coherent and complete Site Plans are necessary for the Rehoboth ZBA to render a fully informed decision.

All Site Plans must be drawn to the scale of one (1) equals forty (40) feet. The Site Plan shall be based upon the applicable deeds or plans recorded in the Bristol County Registry of Deeds. The size of the Site Plan should be no smaller than 8 ½" X 11" and no larger than 24" X 36" drawn to scale. The Site Plan shall contain a north pointing arrow, names of the Streets, zoning districts, names of the owners of abutting properties, property lines, the location of wells, the location of septic systems, the location of wetlands delineations and the location of buildings on the subject property and on the adjacent properties. The location of existing buildings and distances from adjacent buildings and properties lines should be verified in the field by the individual preparing the Site Plan. Additionally, the Site Plan shall depict the percentage of the lot covered by the principal and accessory buildings, the required parking spaces, signage, entrances, exits, driveways, or any and all other structures or improvements, if pertinent to the grating of the relief requested.

The following information is additionally required on each site plan:

- A graphic scale
- Street lines and street names
- A graphic depiction of all structures, septic systems and wells within 200 feet of the applicant's property line.
- Lot boundaries, dimensions, easement, rights of way, area (in square feet) and setbacks from all property lines.
- The footprint of all existing and proposed structures on the site and on abutting site if applicable. Such representation shall include an indication of the use of each structure and any modifications to each structure on the subject site.
- Existing and/or proposed off-street parking and driveways or parking areas on the site.
- A notation as to the height of the existing/proposed structures.
- A title block with the following information:
 - a. The Applicant(s) full name, address and telephone number.
The Applicant must also include the address and telephone number where the Applicant or the authorized agent may be reached during business hours (8:00 AM – 5:00 PM)

- b. The full name, address and telephone of the record owner of the real estate which is the subject of the Special Permit or Variance, if different from the Applicant.
- c. If the Applicant is not the record owner of the real estate which is the subject of the Application, the Applicant must clearly state the nature of the Applicant's interest in the real estate (i.e. lease, option to purchase, heir, etc.).