



City of Marlborough
140 Main Street
Marlborough, MA 01752

Zoning Board of Appeals
Special Permit
Instructions

Purpose for a Special Permit: Seeking to increase or intensify a legal pre-existing, non-conforming nature of a single or two-family residential structures.

Procedure:

- Before you begin the on-line application, make sure you upload all the documents you wish to submit with your application.

- Fill out the on-line application form for a Special Permit hearing

- Choose the appropriate filing fee and method of payment as stated on the on-line application form

- Form for an Application for Certified List of Abutters – Go to the Assessor's Office to request a certified abutters list – cost is \$30.00 (but call to verify amount). For a Special Permit it is a 400 ft. radius from the property in question.
 - Abutters Notification - The Applicant (or their agent or representative) is responsible for sending (with confirmation of delivery) copies of the notice of the hearing to all the abutters on the certified abutters list at least two weeks (14 days) prior to the hearing date. My office will send the applicant a copy of what the notice to abutters will read once a hearing date is decided upon. Documentation of this mailing and/or delivery receipts for the abutter notices must be submitted to the Zoning Office at least 5 days prior to the hearing date. Types of proof of mailing: Certified Mail or Certificate of Mailing.

- Form to get verification from the Tax Collector's Office that all municipal tax returns and paid all municipal taxes.

Paper Plans Submittal: The following number of sets of application material to be **hand-delivered** at the offices set forth below: See the "**Checklist for Plan Distribution**"

- 1 set City Council Office
 - 1 set Police Dept.
 - 1 set Fire Dept.
 - 1 set City Clerk's office
 - 1 set City Engineer
 - 1 set Building Dept.
 - 1 set Conservation Officer (if wetlands are affected)
- and
8 sets to the Zoning Board of Appeals office.

Total copies: 15 paper copies

1. The secretary will place two (2) legal ads in the Metro West Daily or a newspaper of general circulation. The applicant is responsible for the payment of the two (2) legal ads which is billed directly by the newspaper to the applicant. In conformance with Chapter 40A of the Mass. General Laws.
2. **Date for Public Hearings:** The Zoning Board of Appeals secretary, shall upon receipt of the complete on-line Special Permit Application, will set a date for a public hearing.
3. **Vote Required:** This is a 5-member Board. A vote of a least 4 members of a 5-member Board is required for a grant.
4. **Final Action:** Final action on an application within **90 days** after the hearing is **closed**. The hearing may be recessed and continued at a specified date and time as mutually agreed upon by the Zoning Board of Appeals and the applicant.
5. **Input from City Depts. –** Written recommendations on the proposal. The Zoning Board shall not make a final decision on an application for a special permit until the appropriate departments have submitted reports or recommendations thereon or, if no such reports have been received within **60 days** since the filing of an application which has been certified to be complete in accordance with these regulations.
6. **Extension of Time for Action – Leave to Withdraw:**
 - The period within which final action shall be taken may be extended for a definite period by mutual written agreement of the Zoning Board of Appeals and the applicant.

- The Zoning Board of Appeals may in its sole discretion, grant leave to withdraw without prejudice so that the applicant may submit a revised application which shall not be considered as a repetitive petition. Such revised application shall be treated as a new application and shall be subject to the fee schedule. (If the project is made smaller, it will be considered an amended petition and no additional filing fee. If the project is made larger than originally proposed, a new filing application and new filing fee will be implemented).

7. Findings and Conditions by Zoning Board of Appeals:

- In acting on applications for Special Permits, the Zoning Board of Appeals may make such findings as provided herein or called for by the subject matter and may impose such conditions, safeguards, or limitations on matters relating to the proposal as may affect the public health, safety, welfare, and convenience, including conditions on time and use. No Special Permit shall issue, except upon a general finding that the use sought, and its impact and characteristics shall not conflict with public health, safety, convenience, and welfare and shall not be detrimental or offensive, provided the conditions, safeguards, or limitations, if any, are met.
- No right to Special Permit: An applicant is not entitled by right to a Special Permit and the Zoning Board of Appeals, in its discretion, may decline to grant a Special Permit.

8. The date in which the decision is filed with the City Clerk is the official date of the decision. A copy of the filed decision will be sent to the applicant and to the abutters by the ZBA secretary approximately 14 days after the hearing is closed. There is a twenty (20) day appeal period that starts on the day after the decision is filed with the City Clerk. The appeal period must elapse before the City Clerk can certify the decision. During this appeal period, the Board's decision may be appealed to the appropriate appellate body. If an appeal is made, the City Clerk cannot certify the decision until the appeal has been fully adjudicated.

9. Recording of Special Permit: In accordance with the provisions of Massachusetts General Laws c.40A, Section 11, the Applicant at the applicant's expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the 20-day period for appealing the Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit. Applicant shall provide a copy of the recorded Special Permit to the Zoning Board of Appeals office and the Building Dept. before a building permit can be issued.

10. Special Permit will expire after 2 years from the date of submittal to the City Clerk's Office.

Check list for filing with the Zoning Board of Appeals

Special Permit

- Fill out the on-line application form.
 - Choose a form of payment from the on-line application form – base fee is \$300.
 - Check list for Plan Distribution.
 - Form – All municipal tax returns and paid all municipal taxes signed by the Tax Collector's Office.
 - Form – Application for Certified List of Abutters - Go to the Assessor's Office – cost is \$30.00 (confirm cost with the Assessor's Office. Request a Certified Abutters List for a radius of 400 ft. from the property in question.
 - Plan submittal
-

Paper plan submittal to the ZBA Office – paper copies will be submitted at least 2 days after filing the on-line application. Included in the packets will be the following:

- On-line application form
- Certified abutters list
- Form-All municipal tax returns and paid all municipal taxes signed by the Tax Collector's Office.
- Certified Plot Plan (if applicable)
- Proof of filing fee payment

Provide to the ZBA office:

- 8 paper packets with 8 paper sets of plans delivered to the ZBA office.

Do the check list for plan distribution:

- 7 paper packets and 7 paper sets of plans delivered to each departments as noted on "Checklist for Plan Distribution"

Total - 15 Paper Copies



City of Marlborough

Office of the Assessors

140 Main Street
Marlborough, Massachusetts 01752

TDD (508) 460-3610

Phone: (508) 460-3779

Email: assessors_dept@marlborough-ma.gov

Date of Application _____

REQUEST FOR CERTIFIED LIST OF ABUTTERS

You are requesting a certified list of Abutters, please allow up to 10 business days for the preparation of this list.

The fee schedule is \$30 per certified abutters list.

**Please note that these fees apply to preparation of new list or verification or reverification of an existing list.*

Parcel ID _____

Parcel ID _____

Location(s) of Property _____

Applicant Name (please print) _____

Property Owner Name _____

Mailing Address _____

City/Town _____

Zip _____

Email Address _____

Telephone _____

PLEASE NOTE: THIS ABUTTERS LIST IS VALID FOR THREE MONTHS
Please indicate Radius with a check

- PLANNING
- ZONING
- LIQUOR LICENSE
- CONSERVATION COMMISSION
- HISTORICAL COMMISSION
- OTHER _____

- DIRECT & ACROSS ABUTTERS
- 100Ft.
- 300Ft.
- 400Ft.
- 500 Ft.
- OR _____ Ft.

Signature of Applicant _____

FOR ASSESSORS USE ONLY

PAID WITH THE APPLICATION

PICK UP AND OWES \$30