

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS**

242 Church Street, Clinton, MA 01510  
Telephone: 978-365-4127

**APPLICATION**

- ZONING BOARD OF APPEALS Section 9000 & 9300 of the Zoning By-law
- VARIANCE (See MGL 40A, § 10)     ZBA Special Permit (See section 9300 Zoning By-law)
- APPEAL OF THE ZONING AGENT of DATE \_\_\_\_\_     OTHER \_\_\_\_\_

Property Location \_\_\_\_\_

Map No. \_\_\_\_\_ Parcel No. \_\_\_\_\_ Zoning District: \_\_\_\_\_ Present Use: \_\_\_\_\_

Recorded in Worcester County Registry of Deeds: Book # \_\_\_\_\_ Page # \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

E-Mail: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Applicant is: ( ) Owner ( ) Agent/Attorney ( ) Purchaser ( ) Tenant

Property Owner's Name (If Different) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ - \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Represented by: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

SECTION OF THE ZONING BY-LAW \_\_\_\_\_

NATURE AND JUSTIFICATION OF THE REQUEST \_\_\_\_\_

Filing Fee as outlined on the information page. Paid: \$ \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
The Boards at the Public Hearing will determine any additional Fees for engineering, legal and/or consultants.

Plans submitted to the following:

<i>Must get Signatures</i>	<i>Received by</i>	<i>Date</i>
<input type="checkbox"/> Department of Community & Economic Development	_____	____/____/____
<input type="checkbox"/> Board of Selectmen	_____	____/____/____
<input type="checkbox"/> Police Chief	_____	____/____/____
<input type="checkbox"/> Fire Chief	_____	____/____/____
<input type="checkbox"/> Board of Health	_____	____/____/____
<input type="checkbox"/> Superintendent of Public Works	_____	____/____/____
<input type="checkbox"/> Building Commissioner	_____	____/____/____
<input type="checkbox"/> Planning Board	_____	____/____/____
<input type="checkbox"/> Zoning Board of Appeals	_____	____/____/____
<input type="checkbox"/> Conservation Commission	_____	____/____/____

**I hereby request a hearing before the Zoning Board of Appeals with reference to the above application.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_ Tel: \_\_\_\_\_

Signature of Owner, if not applicant: \_\_\_\_\_

Note: This application can only be used for one (1) hearing request.

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*For Office Use*

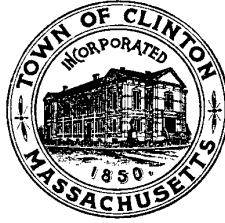
Received by Permitting Clerk: \_\_\_\_/\_\_\_\_/\_\_\_\_ Application Filed with Town Clerk: \_\_\_\_/\_\_\_\_/\_\_\_\_

Newspaper Notice Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ & \_\_\_\_/\_\_\_\_/\_\_\_\_ Certified Mail Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Decision of the Board: \_\_\_\_/\_\_\_\_/\_\_\_\_ Written By: \_\_\_\_\_

Decision Filed with Town Clerk: \_\_\_\_/\_\_\_\_/\_\_\_\_ 20 Day appeal date expires: \_\_\_\_/\_\_\_\_/\_\_\_\_

Decision Filed Registry of Deeds: \_\_\_\_/\_\_\_\_/\_\_\_\_ Notice Received: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Information for filing with Zoning Board of Appeals

Please read and understand this information, check the appropriate sections of the Town of Clinton Zoning By-law and c.40A Massachusetts General Laws, and any other applicable laws, regulations, codes, rules and by-laws.

- Application must be completely fill out, accurately and legible.
- Application must be submitted a minimum of thirty (30) days before the meeting.
- Attach all plans of land, any buildings or proposed buildings and all other pertinent information.
- Attach a list of the “Parties In Interest” as prepared by the assessor’s office and a copy of the sections of the assessor’s map.
- Attach checks as follow:  
Payable to: **Town of Clinton:** \$75.00 for Owner Occupied Residential  
\$300.00 for all others, for each request.  
Payable to: **Clinton Postmaster** \$8.00 for each name on the “List of Parties In Interest”.  
DO NOT include other Towns List.

Permitting Clerk will prepare the legal notice and then the applicant is responsible to submit the notice to the Telegram and Gazette to [legalnotices@telegram.com](mailto:legalnotices@telegram.com) for publication .

- Submit (3) complete applications to the Permitting Clerk for a hearing date.
- Original application must be filed with the Zoning Board of Appeals.
- The 2<sup>nd</sup> application must be filed with the Town Clerk.
- The 3<sup>rd</sup> application shall be returned to the applicant who will make fifteen (15) copies. Eight (8) copies shall be distributed with-in 48 hours to the listed Boards, Commissions & Town Officials and seven (7) copies shall be for the Zoning Board of Appeals members.

The Permitting Clerk will prepare & send the legal notice, certified mail notices and any other notice as required.

The Board at the public hearing will determine any additional fees for any engineering, legal and or consultant expenses.

It is up to the petitioner to plead their case to the Board. The Board must make its findings on the information presented, the requirements of the Town of Clinton Zoning By-laws and c.40A Massachusetts General Laws. The written decision of the Board must be filed with the Town Clerk for twenty (20) days.

Appeals of any decisions made by the Zoning Board of Appeals can be made to the Massachusetts Courts within those (20) twenty days. If no appeal is made the Town Clerk will certify the decision and must be file as an attachment to the deed of the property at the Worcester Registry of Deeds, Worcester, MA.

Appeals of the Zoning Agent must be filed within 30 days of the decision or action and a copy of the letter must be part of the application.

# INSTRUCTIONS FOR PETITIONERS FILING TO APPEAR BEFORE THE ZONING BOARD OF APPEALS

It is the responsibility of the applicant to read and understand these instructions! Signing of the "Application of Hearing" signifies the understanding and acceptance of the following guidelines.

## APPLICATION TO THE BOARD

### APPLICATION FORM

Every application for action by the Board shall be made on an official form. These forms shall be furnished by the Permitting Clerk upon request or may be found in this package. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form. The applicant in the manner herein prescribed must furnish all information indicated by the form.

All application must be filled out accurately and completely. If the applications are not filled out completely the Permitting Clerk will not accept it and any/all time limitations will not commence to begin. More specific information on the requirements for variances and special permits is available in Chapter 40A, Massachusetts General Laws and the Town of Clinton Zoning By-Laws.

It is up to the petitioner to plead his/her case to the Board. If any of the information is not clear or not presented, it could bring about an unfavorable decision. The Board must base its findings on the documentation presented to them.

To be granted a **VARIANCE** a petitioner must establish that special conditions exist affecting the parcel of land or building; that literal enforcement of the Zoning By-laws 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 public hearing. It is strongly suggested that this data be prepared in writing and submitted to the Board at the hearing.

If you petition before the Zoning Board of Appeals is for a **SPECIAL PERMIT** rather than a variance, be prepared to present data that indicated that the public convenience and welfare will be substantially served by granting the permit; that the permit will not tend to impair the status of the neighborhood; that the permission requested will be in harmony with the general public and intent of the regulations of the Clinton Zoning By-laws.

If the applicant is before the Board for an **APPEAL OF THE ZONING AGENT**, which is appealing a decision or determination of the Building Commissioner/Zoning Agent, this application must be filed with the Board within thirty (30) days from said decision or determination.

In order to expedite consideration of your appeal include all factors that may be relevant to the question of hardship, financial or otherwise, including, but not limited to, purchase price, when purchased, mortgage indebtedness, expenses of maintenance and upkeep, income, taxes, etc. Hardship may also include a "hardship of the land" and the petitioner should present all facts indicating why such a hardship exists and how it may be overcome by the granting of the variance.

The applicant, owner or duly authorized agent must sign all applications.

All application must have the Book No. and Page No. These are available from the Registry of Deeds or the Assessor's Office.

All applications must be date stamped by the Town Clerk before being accepted by the Board.

It is necessary to file all appropriate information with the Permitting Coordinator.

## **PLAN (S) OF LAND**

Each application and petition to the Board must be accompanied by eighteen (18) copies of the following describe plan:

The size of the plan shall be 8 ½ X 11” or 11” x 17” drawn to scale (1 inch equals 40 feet); it shall have a north point, names of streets, zoning districts, property lines and locations of buildings on surrounding properties. The location of buildings or use of the property where variance is requested and distances from adjacent buildings and property lines shall verified in the field and shown accurately on the plan. The dimensions of the lot, the percentage of the lot covered by the principal and accessory buildings and the required parking spaces shall be shown. Entrances, exists, driveways, etc., that are pertinent to the granting of the relief shall be shown.

All newly proposed data shall be shown in red.

## **HEARINGS**

All hearings shall be open to the public. No person(s) shall be excluded unless considered by the chairperson to be a “serious hindrance” to the workings of the Board.

An applicant may appear in person on his/her behalf, or be represented by an agent or attorney. In the absence of any applicant without due cause and notice to the Board, the Board may decide the matter using the information it has otherwise received.

Notice of hearings shall be advertised as required by the provisions of Massachusetts General Laws, Chapter 40A. In addition, a copy of the advertised notice shall be sent by mail, at least 14 days prior to the date of the hearing, postage prepaid, to the applicant, owners of the abutting properties (see Section 1.04) as they appear on the most recent local tax list in the assessor’s office, the Planning Board, the Board of Health, the Conservation Commission, and the Building Inspector/Zoning Agent.

## **APPLICATION FEES**

**RESIDENTIAL**            Owner occupied one or two family homes (or other non-revenue generating property).

**VARIANCE**  
**SPECIAL PERMIT**  
**APPEAL OF ZONING AGENT DECISION**

Applicant Fee - \$75.00  
List of Parties in Interest - \$8.00 for each name on the list.

**COMMERCIAL**            Industrial, non-owner occupied or other revenue-generating property.

**VARIANCE**  
**SPECIAL PERMIT**  
**APPEAL OF ZONING AGENT DECISION**

Applicant Fee - \$300.00  
List of Parties in Interest - \$8.00 for each name on the list.

## **NOTES:**

Applications will not be considered filed by this Board unless accompanied by a check or money order for the appropriate amount.

This Board will not consider this application until all guidelines are met by applicant.

**PARTIES IN INTEREST (ALSO SEE NEXT PAGE)**

All applicants must submit 15 copies of a list that includes the names and addresses of the owners of the land directly affected by this request for relief. The following should be used as a guideline as to who should be notified:

- (i) Owner of land directly opposite on any private way or public street or way.
- (ii) All abutters
- (iii) All abutters to abutters within 300 feet of the property lines (only two deep).

NOTE: This information is available from the most recent tax list in the Assessor's office. Use the form ("List of Parties In Interest") provided on the next page. The Assessor when completed must stamp this form.

		<b>NOT INCLUDED OVER 300 FEET</b>	<b>NOT INCLUDED OVER 300 FEET</b>			
		<b>ABUTTER #3</b>	<b>300' ABUTTER TO ABUTTER #4</b>			
	<b>S T R E E T</b>	<b>ABUTTER TO ABUTTER #2</b>	<b>150'</b>	<b>300'</b>		<b>S T R E E T</b>
		<b>ABUTTER #1</b>	<b>***** PETITIONER</b>	<b>ABUTTER #5</b>	<b>ABUTTER TO ABUTTER #6</b>	
	<b>S T R E E T</b>					
			<b>DIRECTLY OPPOSITE #7</b>			