



Town of East Brookfield
Zoning Board of Appeals
Depot Square, East Brookfield, MA 01515
508-867-6769 x312

Procedures and Petition or Applying for a Public Hearing Requesting Relief of Zoning Bylaws

The purpose of the Zoning Board of Appeals (ZBA) is to uphold, to the best possible degree, the zoning bylaws voted upon by the people of East Brookfield as outlined in the East Brookfield Zoning Bylaws, revised 1995.

It is understood that situations do exist that warrant a request for a hearing. The following is the procedure to request a hearing with the ZBA for a variance, finding, special permit or any relief of the Zoning Bylaws.

Failure to comply with these procedures may cause a hearing to be delayed until the next available hearing date.

1. If the ZBA hearing is required as a result of a denial or request by the Zoning Enforcement Officer (the Building Inspector), a written form of denial and reason for denial is required to be submitted the ZBA by the Zoning Enforcement Officer. This form must state the name of the petitioner, address of the property in question, type of zone (residential, commercial, etc.) and the explicit reason for denial. Also, the form should state the exact section and/or article that needs to be addressed by the ZBA in any hearing. A signed, hard copy of this form should be submitted to the ZBA. This form gives the ZBA the exact bylaw or bylaws (or portion thereof) to address in the hearing. **This form is required by the ZBA; no hearing will be held without this form.**
2. Contact the East Brookfield Town Clerk to obtain an application for a hearing. Complete the application and submit it to the Town Clerk. Upon receipt, the application will be stamped and signed by the Town Clerk. **The application will not be considered received until stamped and signed by the Town Clerk. The date of the stamp is the date received by the Town.** If the Town Clerk's office is not open when the application is submitted, the application will not be considered received until stamped on the next day of open business.

NOTE: To prevent delay, the application must be complete and accurate with as much detail as possible. Include all relevant information such as measurements, plot plans, deeds, building plans, any pertinent measurements, etc. If not immediately available, this information (and any other pertinent information) may need to be available for the hearing.

3. Upon receiving the application, a member of the ZBA will contact the petitioner to schedule a public hearing regarding the application.
4. The ZBA will create the legal advertisement for posting in a local newspaper and provide it to the petitioner. This advertisement will be sent to the petitioner via U.S. mail, e-mail, left at Town Hall or in person. The petitioner is required to post the advertisement in the Legal Classified section of a relevant local newspaper **two (2) separate times, in two separate weeks, with the first posting at least fourteen (14) days** prior to the day before the hearing date. Keep in mind that the paper may need three (3) days notice prior to the first posting, so please be sure the ad is submitted in time. *Legal holidays and Sundays do not count towards this requirement.* The ZBA will usually notify the petitioner of the latest date by which to post, but in the event it does not the rules above should be adhered to. The paper used by the petitioner is the **Worcester Telegram & Gazette** (Legal Classifieds section). **The cost of this posting is entirely borne by the petitioner, not the Town.** The petitioner is required to submit proof of **both postings** at the scheduled hearing. This proof includes the actual pages (a.k.a. "tear sheets") from the newspaper with the ads and the dates appearing on those pages. The petitioner may request that these be mailed to him or her, or they may simply tear the entire page from the newspaper and save for the hearing. Regardless, these sheets, with the paper's publication intact, **MUST** be presented at the hearing.

NOTE: This is a legal requirement for a hearing, according to Massachusetts State Law. Failure to do so will result in denial of a hearing until the requirement is met.

5. The petitioner is required to send the same information used in the newspaper postings to all abutters via **certified mail. The cost of this is entirely borne by the petitioner, not the Town.**

The petitioner must acquire a list of all abutters (and, if necessary, abutters to the abutters; the Assessor deems what is necessary) of the property in question. The Assessor requires ten (10) business days notice to get this information. The Assessor can be contacted at 508-867-6769. The Assessor will also provide the list to the ZBA. The letters to the abutters will serve as legal notice of the date, time, location and details of the hearing. **This notification should be done as soon as possible after submitting the application.** The petitioner is required to submit proof of letters sent and letters received at the beginning of the hearing. This will be cross-referenced against the ZBA's copy of the list of abutters to ensure that **all** relevant abutters were notified.

NOTE: This is a legal requirement for a hearing, according to Massachusetts State Law. Failure to do so will result in denial of a hearing until the requirement is met.

Hearing Preparation Summary Checklist

- Received form of written denial and reason for denial from Zoning Inspector Officer, if necessary
- Submitted completed application to Town Clerk, along with any required copies of documentation. Application is completed and stamped
- Requested and received abutters list from Town Assessor
- Received advertisement from ZBA
- Sent advertisement as notice to **all** abutters via certified mail
- Kept all certified mail receipts (proving letters were sent AND received) for ZBA
- Posted advertisement in Legal Classifieds of Worcester Telegram & Gazette within required period (see above)

Please e-mail ebappeals@charterinternet.com or call 508-867-6769 x 312 if you have any questions for the ZBA and leave any relevant information to contact you.

East Brookfield Zoning Board of Appeals



Town of East Brookfield, Massachusetts
Zoning Board of Appeals
Depot Square
East Brookfield, MA 01515
508-867-6769 x 312

Petition for Hearing to the East Brookfield Zoning Board of Appeals

NOTE: A HARD COPY of this form is to be signed, stamped and filed with the Town Clerk (e-mail is not accepted).

The Zoning Board of Appeals derives its powers from Chapter 40A of the Massachusetts General Laws (this can be found at <http://www.mass.gov/legis/laws/mgl/gl-40a-toc.htm>).

The undersigned hereby petitions the Zoning Board of Appeals to vary the terms of the Zoning Bylaws of the Town of East Brookfield, Massachusetts for the premises, and reasons, noted below:

I. Location of Premises (the premises is assumed to be in East Brookfield, Massachusetts. If not, please state the address, town, state and ZIP code):

Number & Street: _____

(if located other than in East Brookfield, Massachusetts) The property is located at: _____

The above stated property is recorded in the Worcester County Registry of Deeds in Book Number _____, Page Number _____ (this can be obtained from the Board of Assessors or the Registry of Deeds and must be submitted).

Relief from the Zoning Bylaws is requested in the following respect (variance, finding, special permit, or other, as appropriate from Zoning Enforcement Officer or applicable entity): _____

II. Detailed Description of Proposed Use (reason for relief by the Zoning Board of Appeals)

Please state in the space provided below, briefly but concisely, the reason for the petition. *Please be as specific as possible*, and include (by attachment) the following:

- A signed notice of denial from the Zoning Enforcement Officer (the Building Inspector).
- A *current and certified* plot plan of the premises, listing the current deeded owner as recognized by the Assessor's Office (or other) and including *all* measurements and boundaries, area lot size, measurements and location of any structures, location of any wells, septic systems, or significant structures, topographical landmarks, etc.
- A detailed plan of the proposed use (e.g. building plan) with all applicable measurements (a certified plan by a certified builder, architect, or party duly licensed, will likely be requested).

- Any other measurements or details as deemed necessary and appropriate (e.g. setbacks, road frontage, side boundaries, measurements of proposed use, etc.).
- During, or prior to, any hearing the Board reserves the right to request any additional measurements or other pertinent information not provided, as deemed necessary.

Provide description of proposed use/project: (attach additional pages if necessary for this section)

III. Zone of Premises (can be obtained at Board of Assessors Office and will be verified)

The property concerning this petition is currently located in a _____ zone. **IV. Petitioner**

IV. Deeded Owner/Petitioner Information

Name of Owner(s) of Property, as stated on Deed: _____

(If the petitioner is other than the deeded owner, a signed, dated and notarized letter from the deeded owner indicating representation or agency is required and must be attached to this petition).

Please Print:

Petitioner's Name: _____ Address of Petitioner: _____

Telephone Number: _____

E-mail address (optional): _____

NOTE: e-mail is for general correspondence only. In compliance with Massachusetts state law, all specific information may need to be provided via hard copy in order to be signed, date stamped, filed, etc. if necessary. **Please provide additional copies of all documents for the Board's records.**

In signing this petition, I certify that all of the information submitted above and with this document is true and accurate, to the best of my/our knowledge).

Deeded Owner or Designated Petitioner's Signature: _____

If you have any questions, please call the ZBA at 508-867-6769 x 312, or send an e-mail to ebappeals@charterinternet.com.

FOR USE BY EAST BROOKFIELD, MASSACHUSETTS TOWN CLERK ONLY:

Received (please stamp date and sign):