ZONING BOARD OF APPEALS
100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
508-336-2961

INSTRUCTIONS TO SUBMIT A ZBA APPLICATION PACKET

Before completing the application packet, it is necessary to attain a "Zoning Determination Letter" from the Zoning Enforcement Officer/Building Inspector in writing; the fee is $35. Please understand it takes 14-30 days for the Building Inspector to complete the determination Letter. If your request is denied, you may choose to **Appeal** the decision to the ZBA within 30 days of the date on the determination letter. Please read the determination letter carefully, it will indicate if you need a **Special Permit** and/or **Variance.** Sometimes you may require both. ***Each appeal and request for Variance and/or Special Permit requires a separate application and fees.*

Once you have the Determination Letter, you may choose to Appeal the determination **or** request a Special Permit **and/or** Variance based on the letter. The following items must be included in the application packet:

- ☐ (8) Completed and Signed Application Forms – Complete **ALL** the requested information; it is all necessary. An original signature is required; **YOU MUST USE BLUE INK**

- ☐ (8) Letter of Authorizations (If applicable) – If the petitioner is not the owner of the subject property, an original signature by the property owner on Page 4 of the application, must be included in the packet, authorizing the applicant to petition the ZBA.

- ☐ (8) Certified Plot Plans – see "Guide to the Appeals Process" for information required to be included on the Certified Plot Plan. It must be stamped by a Massachusetts Professional Land Surveyor.

- ☐ (8) Certificate of Good Standing – include all required information and submit to the Tax Collector's Office. The original form signed by the Tax Collector must be included in your application. This expires 30 days from the date it was "certified" by the Collector's Office.

- ☐ (8) Certified List of Abutters – include all required information and submit it to the Assessor's Office – Please allow 7 – 10 business days for them to complete. (If subject property borders any Rhode Island lots, a Certified List of Abutters must be included from that Rhode Island city). The original form and list signed by the Assessor must be included in your application packet. This expires 30 days from the date it was "certified" by the Assessor's Office.

- ☐ (2) Sets of mailing labels – obtained from the Assessor's Office – Please allow 7 – 10 business days for them to complete. This expires 30 days from the date it was "certified" by the Assessor's Office.

- ☐ (8) Assessor's Map – obtained from the Assessor's Office – Please allow 7 – 10 business days for them to complete. This expires 30 days from the date it was "certified" by the Assessor's Office.

- ☐ (8) Zoning Determination Letter – This is the letter that you should already have from the Zoning Enforcement Office/Building Inspector. Please include the ORIGINAL letter in the application package. This expires 30 days from the date listed on the letter.

- ☐ $225.00 Filing Fee payable to the **Town of Seekonk**, per application.

Your completed application package should consist of 8 collated sets, one of which **MUST BE THE ORIGINALS. Each of the 8 packets must contain all of the above mentioned, completed forms. You should make and keep a COPY for your personal records. **If the packets are not complete, they will not be accepted and will be returned for *your* completion.**

SEEKONK ZONING BOARD OF APPLEALS
TIME FRAME FOR PETITION

- Upon receipt of the applications, the Board has up to **65 days** to hear the petition
  - This time frame is used to place legal ads in the newspaper 2 weeks prior to public hearing and to notify the abutters within 300'.

- By law, the petition cannot be heard any earlier than 15 days from the first appearance in the newspaper or it is not considered legal.

- The earliest a petition can be heard is 30 days from the day of receipt of petition.

- A decision is usually rendered at the hearing; however, an official written "Decision" must be typed and signed by the Board members. Massachusetts General Laws **allow 14 days** in which to do this after the public hearing. The typed and signed "Decision" is time-stamped and mailed to the petitioner; copies are mailed to the abutters.

- Upon receipt of the decision in the mail, per Massachusetts General Laws, you must wait an **additional 21 days** before you can record the Decision with the Bristol County Registry of Deeds because of the 20-day appeal process. The time-stamp on your Decision begins the 20-day appeal process.

- After the 20-day appeal period ends, you must bring your original copy of the Decision and the "Certificate of Granting" to the Town Clerk's Office for a written Certification that no appeals have been made before your decision is taken to the Registry of Deeds to be recorded.

- The applicant is responsible for recording the original, time-stamped decision; the Certificate of Granting; and the Town Clerk's Certificate with the Bristol County Registry of Deeds.

- After the three documents are recorded at the Registry of Deeds, the applicant must bring the recording receipt back to the Town Clerk and Building Inspector's Office prior to any permits being issued.

- **The Zoning Board of Appeals provides zoning relief only. The ZBA Decision is not a building permit, applicants granted relief must still apply for a building permit and seek approval from all the Town's Regulatory Boards and Commissions, as applicable. The Building Inspector SHALL NOT issue a permit until the recipient submits certification from Bristol County Registry of Deeds that this decision has been recorded.**

IT IS IMPOSSIBLE TO GUARANTEE ANYONE A CERTAIN DATE FOR PUBLIC HEARINGS OR COMPLETION PROCESS

TOWN OF SEEKONK **ZONING BOARD OF APPEALS**

APPLICATION

The undersigned hereby petitions the Zoning Board of Appeals. Each appeal of an administrative action, Variance or Special Permit requires a separate application with a filing fee of $225 payable to the **Town of Seekonk.** The applicant shall also be responsible for payment of all newspaper legal advertisement costs which will be determined based on the length of the legal advertisement, and paid prior to their publication.

A. Property Owner Information

_____
(Name)

_____
(Address)

_____
(Phone) (Email Address)

B. Applicant Information

_____
(Name)

_____
(Address)

_____
(Phone) (Email Address)

C. Property Information

Address: _____ Assessor's Plat: _____ Lot(s) _____

Zoning District(s): _____

Lot Frontage: _____ Lot Depth: _____ Lot Area: _____

Deed to premises above described is recorded at the Bristol County Registry of Deeds in:

BOOK: _____ PAGE: _____

Filing fee _____
Check # _____
Amount $ _____

Legal ad _____
Check # _____
Amount $ _____

___SPECIAL PERMIT
___VARIANCE

(if property is in overlay districts, multiple or split zoning districts, please identify below)

_____

_____

Existing use(s): _____

Existing Structure(s): _____

Proposed use(s): _____

Proposed Structure(s): _____

D. Petition

Appeal of: _____
(Official, date, and nature of decision from which appeal is sought)

Variance from: _____
(Include State Law or By-Law provision(s) from which relief is sought; exact amount of dimensional relief being requested for dimensional variances)

Special Permit for: _____ per _____
(Proposed Use)

_____
(By-Law provisions(s)

It is recommended that every appeal, and every application for a Variance or Special Permit, be supported by a written statement setting forth in detail all facts relied upon by the parties. This is particularly desirable in the case of a variance when the following points, based on General Laws, Chapter 40A, §15 should be clearly identified and factually supported.

(a) The particular use of the proposed land or building.
(b) The conditions especially affecting the property for which a variance is sought which does not affect generally the zoning district in which it is located.
(c) Facts which make up the substantial hardship, financial or otherwise, which result from the literal enforcement of the applicable zoning restrictions with respect to the land or buildings for which a variance is sought.
(d) Facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good.
(e) Facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the By-Laws.

E. Supporting Statement (may be filed separately):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

F. Signatures and Endorsements:

I _____, as applicant, hereby attest that the foregoing information contained in this application and supporting documentation is true and accurate to the best of my knowledge. I further hereby recognize that all submissions and testimony made to the Seekonk Zoning Board of Appeals are done so under penalty of perjury and/or other action at law for providing false testimony and documentation to a duly authorized and constituted public adjudicative body.

Signed this _____ day of _____ in the year _____.

Applicant: _____
(please print)

Signature: _____

G. Authorization of property owner where owner is not applicant

I _____, as owner of record of the property located at _____ in the Town of Seekonk, do hereby knowingly authorize and assent to the submission of this application for the relief requested or such other relief as may be deemed appropriate by the Seekonk Zoning Board of Appeals by _____, the applicant.

This authorization is limited to the preparation, filing, and presentation of this application to the Seekonk Zoning Board of Appeals and shall impose no other obligation or duty other than may be created by grant or denial of this application upon the property owner not vest any right to the subject property, other than the right to prepare, file, and present this application on behalf of the applicant.

Signed this _____ day of _____ in the year_____.

Owner: _____
(please print)

Signature: _____

Note: A detailed certified plot plan in accordance with Section 1.4.2 of the Zoning By-laws depicting the location of the lot lines and all structures on the lot, with set-back distances, as well as all proposed changes, if any, must be filed with this application in order for the Board to consider the petition.

Please be advised that the applicant and/or their designee must be present at the scheduled hearing. Failure by the petitioner or their authorized representative to attend the public hearing may result in the denial of the petition.

TOWN OF SEEKONK

100 PECK STREET, SEEKONK, MA 02771
508-336-2900

CERTIFIED LIST OF ABUTTERS – FORM G

(Please allow 7-10 Business days to complete)

- ☐ PLANNING BOARD 508-336-2961
- ☐ ZONING BOARD OF APPEALS 508-336-2961
- ☐ CONSERVATION 508-336-2944
- ☐ OTHER

Date: _____

Applicant Name: _____ Phone No.: _____

Applicant Address: _____

*Signature of Applicant/Contact Person: _____

Subject Property Address: _____

Present Zoning: _____ Plat No: _____ Lot No: _____

Property Owner Name: _____

Property Owner Address: _____

Deed of property recorded in Bristol County Registry, *Please note this mandatory information

Book No. : _____ **Page No.:** _____

To the Planning Board, Zoning Board and Conservation Commission of the Town of Seekonk, Massachusetts:

The undersigned, being an applicant submits the following drawing of land to be considered, listing the names of adjoining owners in their relative positions and indicating the address of each abutter on the drawing or in a separate list, including owners of land separated from the said land only by a street. Said drawing is at a scale of 1" = 40' and lists all abutters within 300' including across the streets and bodies of water. For the acceptance of streets, please notify all abutting properties of the proposed roadway(s) only.

***Please use blue pen to sign**

This is to certify that at the time of the last assessment for taxation made by the Town of Seekonk, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as written, except as follows:

Town Assessor: _____ Date: _____

Assistant Assessor: _____ Date: _____

This certificate shall expire 30 calendar days from the date of certification.

Rev. 05/03/2021

$25 minimum fee which includes Certified List of Abutters, 2 sets of labels & map (Additional labels: $5.00 per set/$2.50 per page)

Town of Seekonk

Office of the Treasurer/Collector

"Certificate of Good Standing"

Planning / Zoning Board of Appeals

Petitioner Name	Property Owner
Petitioner Address	Property Address
City, State Zip	City, State Zip
Petitioner Phone Number	Plat Number Lot Number(s)

The Applicant must submit this form to the Tax Collector's Office. This completed and signed "Certificate of Good Standing" must also be submitted with your application . Delinquent bills must be paid in full before any application will be accepted. If applicable, a tax statement is attached itemizing all past due amounts. **This certificate is valid for 30 days from date signed below.**

☐ Applicant is in Good Standing with the Town of Seekonk.

☐ Applicant is **not** in Good Standing with the Town of Seekonk.

Collector comments (if necessary): _____

_____

_____ _____

Christine N. DeFontes Date

Collector of Taxes

Collector's Office: (508) 336-2930

Office Hours: Monday, Tuesday, Thursday 8:30 AM to 4:30 PM Wednesday 8:30 AM to 5:30 PM, Friday 8:30 AM to Noon

Town of Seekonk
Zoning Board of Appeals
A GUIDE TO THE APPEALS PROCESS – Helpful Information

The Zoning Board of Appeals is empowered to hear and decide applications for Special Permits, and petitions for Variances from property owners or duly authorized applicants, as well as, appeals or petitions from any person aggrieved by reason of inability to obtain a permit or enforcement action from any administrative officer under the provisions of the **Town of Seekonk Zoning By-laws** or **Chapter 40A** of the **Massachusetts General Laws**, by the Southeastern Regional Planning Council, or by any person including an officer or Board of the Town of Seekonk, or of an abutting city or town aggrieved by an order or decision of the Building Official, or other administrative official, in violation of any provision of the **Town of Seekonk Zoning By-laws** and/or **Chapter 40A** of the **Massachusetts General Law.**

- **Variances** are a relaxation of the terms of the Zoning By-laws where such variance will not be contrary to the public interest or nullify or substantially derogate from the intent of the Zoning By-laws and where, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but not affecting generally the zoning district in which it is located and not the result of any action or inaction of the owner or applicant, a literal enforcement of the Zoning By-laws would involve substantial hardship, financial or otherwise to the petitioner or appellant. Establishment or expansion of a use or activity otherwise prohibited (i.e., a use variance) shall <u>not</u> be allowed by variance. Conditions, safeguards and limitations of both time and use may be applied. Every variance must be duly recorded before it expires in order to take effect.
- **Special Permits** allow a use that would not be appropriate generally or without restriction throughout the zone, but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, or general welfare. Such uses may be permitted in such zone by special permit, by specific provision for such special permit uses made in the Zoning By-laws. Special permits shall be issued only for uses which are in harmony with the general purpose and intent of the Zoning By-laws and only upon subjecting the specially allowed use to general or specific provisions set forth in the Zoning By-laws, as appropriate. Special permits may impose conditions, safeguards and limitations on time and/or use. Every special permit must be duly recorded before it expires in order to take effect.
- **Appeals** are petitions to the Zoning Board of Appeals under **Section 2.1.2** of the Zoning By-laws in accordance with **§ 8** of **Chapter 40A** of the **Massachusetts General Laws**, including petitions from any person aggrieved by reason of inability to obtain a permit or enforcement action from any of the **Massachusetts General Laws**, by the Southeastern Regional Planning Council, or by any person including an officer or Board of the Town of Seekonk, or of an abutting city or town aggrieved by an order or decision of the Building Official, other administrative official, or Board of the Town of Seekonk in violation of any provision of the **Town of Seekonk Zoning By-laws** and/or **Chapter 40A** of the **Massachusetts General Laws.** Prior to making a decision on an appeal, including under **Section 2.1.3**, the Board may request the opinion of the Planning Board and one or more expert consultants selected by the Board as qualified to advise as to whether a proposed use will conform to performance standards contained in the Zoning By-laws.

<u>Application Requirements:</u> (application enclosed)
Applications for relief from the Zoning Board of Appeals shall be made on the official Application form. Applications are available through the Zoning Board of Appeals office, or can be downloaded from the Town's Website. Completed application forms and the required submissions must be included in the Application Packet. Please submit 8 collated packets – (1) Original and (7) copies – of the application and plans to the Office of Town Clerk, Seekonk Town Hall, 100 Peck Street together with the application

fee of $225.00. One copy of the application bearing the date and time of the filing as certified by the Town Clerk shall be filed forthwith by the petitioner with the Office of the Zoning Board of Appeals. The application submission requirements are further explained below.

Site Plans/Certified Plot Plans:
The certified plot plan shall indicate the location of the existing foundation, and/or accessory buildings such as porch, garage, etc. The location shall be fixed by perpendicular distances from existing street lines and property lines. It shall also indicate zoning designation, top of foundation elevation, cellar floor elevation, highest groundwater elevation encountered at the foundation area, relating bench mark, assessors' plat and lot numbers, street designation (public, private, accepted, non-accepted), abutters, easements, north arrow, and appropriate scale. A statement by a Massachusetts Professional Land Surveyor shall appear: "I certify that the location of the foundation is as shown on this plan and the lot does (or does not) lie within a flood hazard zone of the countywide map panel number:" [_____] "on which said lot is shown, dated:" [_____]" on the flood insurance rate map (FIRM) of Bristol County". This certification shall be based on the flood insurance rate map (FIRM) of Bristol County – countywide panel numbers 25005C0114F, 25005C0118F, 25005C0202F, 25005C0203F, 25005C0204F, 25005C0206F, 25005C0208F, or 25005C0212F dated July 7, 2009; or panel numbers 25005C0114G, 25005C0202G, or 25005C0204G dated July 16, 2015 or such subsequent map panels or amendments thereto as may be duly authorized and adopted by the Federal Emergency Management Agency to supersede any of the above countywide panels.

"Certificate of Good Standing: (enclosed)
The Certificate of Good Standing must be completed by the applicant and initially submitted to the tax Collector's Office to be certified that the subject property and applicant/property owner are in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges. The Tax Collector's Office requires several business days to certify a Certificate of Good Standing and will call the applicant or his/her agent when the certificate is ready for pick-up. The certificate cannot be released directly to the ZBA Clerk, but only to the applicant, his/her family or agent.

Certified List of Abutters Form G; (enclosed)
The applicant must submit the Form G to the Assessor's Office to request a Certified List of Abutters, the two copies of mailing labels and the 300' Assessor's radius map. The Board of Assessor's requires a minimum of seven (7) business days to certify a list of abutters. There is a minimum fee of $25 to complete the above documents. The Assessor's Office will contact the applicant or his/her agent when the list is ready for pick-up. The list cannot be released directly to the ZBA Clerk, but only to the applicant, his/her family or agent.

For Appeals to the Board:
A copy of the Zoning Determination Letter, or other formal, written determination from any administrative officer or Board, or a statement by an aggrieved party describing an action or inaction by an administrative officer or Board from which an appeal may be taken pursuant to **§ 2.1.2.1** of the **Seekonk Zoning By-laws** or **§ 8** of **Chapter 40A** of the **Massachusetts General Laws.** Zoning Determination Letter may be obtained from the Zoning Enforcement Officer/Building Inspector for a fee of $35.

Fees:

An application fee of $225.00 per request for **each**, Appeal, Variance and/or Special Permit must accompany your application. The Board of Appeals reserves the right to assess the petitioner the cost of fees of any consultants engaged by the Board of Appeals under authority granted in **Section 2.1.2 of the Zoning By-laws.** Additionally, the applicant is responsible for the cost of publication of the legal ad in a newspaper of general circulation (*Sun Chronicle*). The Zoning Board of Appeals Clerk will inform applicants of the current advertising costs. Applications must be advertised for two consecutive weeks, with the first publication not less than 14 days prior to the hearing date. The Zoning Board of Appeals Clerk prepares and submits the legal petitioner shall remit payment in the form of a check payable to the **Town of Seekonk. The application will not be heard until the Legal Ad has been paid for.** The Zoning Board Clerk will mail the notification of the public hearing to abutters. Notices to abutters are mailed shortly before the first ad run date, or about two weeks before the hearing.

Waiver of Requirements:
Notwithstanding the foregoing, the Board may, in its sole discretion, in public session waive any of the non-statutory provisions, or may require additional information as seems necessary

Public Hearing

Hearing Schedule:
By law the Zoning Board of Appeals must open its hearing on an application not later than 65 days after the filing date. With regard to Appeal and Variance applications the Zoning Board of Appeals must make a decision within one hundred (100) days of the filing of the application with the Town Clerk. With regard to Special Permits the Zoning Board of Appeals must take final action within ninety (90) days from the date of the public hearing. All applications to the Zoning Board of Appeals require a public hearing.

Public Hearing:
At the public hearing, the petitioner presents their case in detail to the Zoning Board of Appeals. The applicant or his/her representative must attend the public hearing and present their case before the Board. Failure by the petitioner or their authorized representative to attend the public hearing may result in the denial of the petition or the Board may decide the matter based on the material and evidence before it. Hearings are generally held, typically, on the First Monday of each month, in the evenings in the Board of Selectmen's Meeting Room at the Town Hall, 100 Peck Street. All meetings are open to the public. PLEASE SEE THE WEBSITE FOR ACTUAL DATES AND LOCATIONS.

Decisions:
Generally, a decision is reached by the Zoning Board of Appeals at the conclusion of the public hearing. Hearings may however run over several meetings, and the Zoning Board of Appeals may continue an application to a date certain for additional information, testimony, or to allow for interested parties to submit briefs on an issue raised by an application or during the public hearing.

After an appropriate motion and vote by the Zoning Board of Appeals on an application; a written, Notice of Decision documenting the ZBS's action is prepared and signed by the Board. Under **Massachusetts General Laws, the Zoning Board of Appeals has 14 days after closing the public hearing on an application in which to execute a written decision.** Upon execution of a Notice of Decision it is filed with the Town Clerk. Copies of the Notice of Decision, bearing the stamped time and date of filing with the Town Clerk, are issued to the owner; appellant, petitioner, or applicant (if different from the owner); to the parties in interest; and to every person present at the hearing who requested that notice be sent to

him and stated the address to which such notice was to be sent. A copy of the decision must also be forwarded to the Town Clerk and Building Commissioner.

A decision of the Zoning Board of Appeals may be appealed for a period of twenty days after it is filed with the Town Clerk as provided for in **§17** of **Chapter 40A** of the **General Laws.** During the appeal period no construction permits will be issued; nor may work commence. The time stamp on the decision from the Office of the Town Clerk begins the 20-day appeal period.

After the 20-day appeal period on the decision has expired and before the decision can be recorded with the Bristol County Registry of Deeds; the Town Clerk must certify that 20 days have elapsed after the filing of the decision and either that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

Recording Instructions:
After the 20-day appeal period has lapsed with no appeals, the applicant must bring the original Written Decision to the Town Clerk's Office to obtain a Certificate indicating there have been no appeals of the decision filed. The applicant is responsible for recording both the Decision and Certificate with the Bristol County Registry of Deeds located at 11 Court Street, Taunton, MA. The fee for recording the Decision is at least $75.

Where an applicant, petitioner or appellant requests approval of an application based on the failure of the Zoning Board of Appeals to act within the statutory time limits and after notice of such an assertion has been filed with the own Clerk not more than fourteen (14) days after the expiration of the applicable statutory time limit; a copy of the application, petition or appeal together with the certification of the Town Clerk that the application has been approved by reason of the Board's failure to act and, after notice to the parties in interest by the appellant, petitioner or applicant, whether any appeals of the approval by default have been filed and the status of any such appeals shall be recorded with the Bristol County Registry of Deeds located at 11 Court Street, Taunton, MA.

After the Decision and Certificate(s) have both been recorded, the applicant must bring the recording receipt back to the Town Clerk and Building Inspector's Office.

IMPORTANT!

The Zoning Board of Appeals provides zoning relief only. The ZBA Decision is not a building permit, applicants granted relief must still apply for a building permit and seek approval from all the Town's regulatory Boards and Commissions, as applicable to a particular project. The Building Inspector SHALL NOT issue a permit until the recipient submits certification from the Bristol County Registry of Deeds that the decision has been recorded and that all other required approvals or permits have been obtained from the appropriate Town body or bodies including but not limited to the Board of Selectmen, Planning Board, Board of Health, and Conservation Commission.