


<b>Appeal Number:</b>	<p style="text-align: center;">TOWN OF ROCHESTER</p> <p style="text-align: center;"><b>ZONING BOARD OF APPEALS</b></p> 	RECEIVED BY TOWN CLERK
<b>Hearing Date:</b>		
37 Marion Road, Rochester, MA 02770 (508) 763-5421 * Fax (508) 763-5379 www.townofrochestermass.com		

## ZONING BOARD OF APPEALS (ZBA) APPLICATION

Property Address: \_\_\_\_\_ MAP: \_\_\_\_\_ Lot: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Dimensions of Lot: \_\_\_\_\_  
(Frontage) (Square Feet/Acres)

Application for: \_\_\_\_\_ SPECIAL PERMIT \_\_\_\_\_ VARIANCE  
Or Appeal of a decision made by: \_\_\_\_\_ BUILDING COMMISSIONER \_\_\_\_\_ PLANNING BOARD

OWNER:	APPLICANT*
Owner's Name:	Applicant's Name:
Owner's Address:	Applicant's Address:
City, State, ZIP:	City, State, ZIP:
Phone:	Phone:
Email:	Email:
Owner Signature:	Applicant Signature:
<i>If there are multiple owners of a property (i.e. an Association), please list names and signatures and attach.</i>	<i>*If applicant is not the owner of record of the property, written authorization from the owner must accompany this application.</i>
CONTACT/REPRESENTATIVE*:	
Name:	Phone:
Mailing Address:	Email:

Property has been in present ownership since: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

Proposed Use of Property (if different than current use): \_\_\_\_\_

Total Number of Structures on Lot: \_\_\_\_\_ Number of Habitable Dwellings on Lot: \_\_\_\_\_

Section(s) of By-Law that you are Appealing: \_\_\_\_\_

Description of Proposal and/or Decision Being Appealed:

*(Please attach separate narrative if additional space is needed)*

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1. PROPOSED GROSS FLOOR AREA	
	STRUCTURE GROSS HORIZONTAL AREA (SQ. FT.) <i>(Including attached roofed areas)</i>
BASEMENT	
FIRST FLOOR	
SECOND FLOOR	
THIRD FLOOR	
TOTAL	

2. EXISTING GROSS FLOOR AREA (if applicable)	
	STRUCTURE GROSS HORIZONTAL AREA (SQ. FT.) <i>(Including attached roofed areas)</i>
BASEMENT	
FIRST FLOOR	
SECOND FLOOR	
THIRD FLOOR	
TOTAL	

3. FRONT SETBACK		REAR SETBACK		SIDE SETBACK 1		SIDE SETBACK 2	
REQUIRED	PROPOSED	REQUIRED	PROPOSED	REQUIRED	PROPOSED	REQUIRED	PROPOSED

*Note: See Rochester Zoning By-Laws for **Setback Requirements**.*

*Please be advised that by making this application, you are authorizing the Zoning Board of Appeals members and their agents to make site inspection of your property. It is imperative that the Street and Property in question are marked. This form must be filled out completely. Please contact the ZBA Administrative Assistant with any questions prior to filing deadline. **Failure to include all information &/or plans and documentation could result in a delay or denial of your project.***

## **ZBA APPLICATION CHECKLIST**

Please submit the following required information:

- ☐ Filing Fee (*payable to Town of Rochester*)  
*\$150 Residential Variances & Special Permits; \$200 Commercial Variances & Special Permits; \$150 Appeals of Building Commissioner or Planning Board Decisions*
- ☐ Advertising Fee (*\$60.00 payable to The Wanderer*)
- ☐ Copy of Certified 300' Abutter's List (*To be purchased from the Assessor's Office*)
- ☐ Denial Letter from Building Commissioner (*if applicable*)
- ☐ Completed Application Packet
- ☐ Building Floor Plans and Elevations (Existing & Proposed)  
(*Legible 11x17 size plans are acceptable; email pdf*)
- ☐ Schedule of Construction Procedures (*Including any proposed removal or demolition of major structural components; required for all renovations, alterations or additions*)
- ☐ Narrative statement describing the project
- ☐ Site Plans (Existing, Proposed & Septic Plans) - Stamped by Registered Surveyor or Engineer (*Legible 11x17 size plans are acceptable; email pdf*). Plans should include the following information:
  - ☐ Property Line Dimensions
  - ☐ Frontage measured in one continuous line at the minimum building setback line parallel to or concentric with the street
  - ☐ Dimensions of existing/proposed structures **including overhang**
  - ☐ All property line setbacks to existing/proposed structures
  - ☐ Location of septic disposal system and well
  - ☐ Edge of wetland and wetland buffer (if applicable)

### **FOR COMMERCIAL APPLICATIONS ONLY - ADDITIONAL INFORMATION**

Site Plans (Existing and Proposed) - Stamped by Registered Surveyor or Engineer  
(*Legible 11x17 size plans are acceptable; email pdf*)

Plans should include the following information:

- ☐ Existing and Proposed ground elevations and finished grade
- ☐ Frontage measured in one continuous line at the minimum building setback line parallel to or concentric with the street
- ☐ Landscape plan with contours
- ☐ Dimensions of existing/proposed structures **including overhang**
- ☐ Parking layout showing all dimensions and calculations
- ☐ Proposed drainage plan with runoff calculations and design capacity of all catch basins.

### **ACKNOWLEDGEMENT**

☐ I acknowledge that the above information is included in the application. \_\_\_\_\_ (*initial*)

## **GENERAL GUIDELINES FOR ZBA APPLICATIONS**

1. Fill out the ZBA Application completely in accordance with these Application Procedures and the Application Checklist so that there will be no ambiguity or uncertainty as to your intent in seeking approval of your application.
2. The Petitioner or his/her representative must appear and present the petition at the public hearing.
3. Please review all regulations of the ZBA prior to appearing before the Board. These can be found on the Town's website.
4. At the hearing, please be prepared to present a description of your project. This should include a thorough description of the existing conditions or use including proposed changes and any other relevant information that the Board may need in reviewing the application.
5. If you are seeking a **Variance**, be prepared to address all pertinent factors of your project that may be relevant to the questions of hardship set forth below as they relate to M.G.L. Chapter 40A Section 10 (Variances) and all pertinent sections of the Rochester Zoning By-Law. Be prepared to explain the factors of the hardship at the public hearing.
  - A Petitioner must establish that
    - (1) owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not generally the zoning district in which it is located,
    - (2) a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the Petitioner or appellant, and that
    - (3) desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.
6. If you are seeking a **Special Permit**, be prepared to address all pertinent factors of your project.
  - Special Permits are granted when the Special Permit Granting Authority determines that
    - (1) the proposed use is appropriate to the specific site in question,
    - (2) adequate and appropriate facilities will be provided for the proper operation of said use,
    - (3) there will be no hazard to pedestrians or vehicles, and
    - (4) there will be no nuisance or adverse effect upon the neighborhood.

It shall be the responsibility of the applicant for any Special Permit to demonstrate to the satisfaction of the Special Permit Granting Authority that the Special permit criteria have been met.
7. Any person filing as a party aggrieved by the decision of the Building Commissioner or Planning Board must present the factors that may be relevant to the appeal of that decision.
8. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal such decision by bringing an action in Superior Court within twenty (20) days after the decision has been filed with the Office of the Town Clerk. Notice of such appeal must also be filed with the Town Clerk within the twenty (20) day period. **Please note that the appeal period is not counted from the day that the hearing closes; a draft decision needs to be typed and reviewed after the hearing date before it is stamped by the Town Clerk which begins the appeal period.**

9. Decisions made by the Zoning Board of Appeals are filed with the Town Clerk and the original decision is mailed to the Applicant. Parties of interest are also notified of the Board's decision at that time. The 20-day appeal period begins to accrue from the date that the decision is filed with the Town Clerk (MGL Chapter 40A, Section 11). NOTE: The appeal period DOES NOT begin from the date of the initial public hearing nor the deliberation.
10. The Applicant will record a copy of the Decision at the Plymouth County Registry of Deeds as long as the appeal period ends with no appeal. No Variance or Special Permit shall take effect until the Decision is recorded in said Registry. No building permit shall be issued without proof of recording.
11. A Variance must be exercised within one year of the date the decision was filed with the Town Clerk, and Special Permits must be exercised within three years. If the rights are not acted upon within the specified period, the Variance and/or Special Permit shall lapse, unless an extension is granted, and may be re-established only after notice and a new hearing pursuant to these General Requirements is requested by the applicant. A one-time extension of not more than six months may be requested of the Board prior to the expiration of either a Variance or Special Permit.
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I \_\_\_\_\_ acknowledge that I have reviewed the application guidelines and requirements  
(Print Name)  
for the issuance of Special Permits and Variances.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Questions regarding the applicability of any of the above requirements to a specific project can be addressed to the ZBA Administrative Assistant at (508) 763-5421.***