



Town of Carver

Instructions for Submitting a Zoning Board of Appeals Application

Every property owner has the right to appear before the Zoning Board of Appeals to apply for a Variance, Special Permit or an Appeal of a Decision made by the Building Commissioner.

Start by meeting with the Building Commissioner with a completed Building Permit Application

Review:

- ❖ The Building Commissioner will review the building permit application and your up-to-date certified plot plan with you or an acceptable alternative, and explain the next steps to follow; applying for a Variance, Special Permit or filing an Appeal. **An Opinion Letter/Letter of Denial, where applicable, is needed first in order to complete the ZBA Application fully and correctly.**
- ❖ Once the Opinion Letter/Letter of Denial is received, complete and submit the ZBA Application and **all required** documents.
 - Variance Request: Complete attached Variance Criteria Form.
 - A Request for Abutters List through the Assessors Department-the Assessors will provide a
 - Certified Abutters List necessary for the mailing.

Packet:

The Applicant will then submit a complete packet as outlined below:

- ☐ Completed **ZBA Application Form**
 - ☐ If **Requesting Variance**: Completed **Variance Criteria Form** must be submitted.
- ☐ **Letter of Denial authorized and signed by the Building Commissioner. This will inform the applicant whether a Special Permit or Variance is required through the Board of Appeals**
- ☐ **Certified Plot Plan** (instrument survey) by a Massachusetts Registered Land Surveyor must be submitted if you are seeking a dimensional or setback Variance and/or a Special Permit for a proposed new structure. The Plot Plan must show the proposed structure with its dimensions and indicate the setback distances from all lot lines. If conservation issues are applicable, provide wetland area delineation and distances. Alternative plot plans may be accepted, such as Septic plans through the Board of Health and annotated mortgage plot plans. Annotated Assessor plans are not accepted unless stamped by a registered land surveyor
- ☐ **Certified Abutters List & Property Field Card** certified by the Board of Assessors.

- ❑ **Any Plans** needed to clarify your request: architectural building plans, floor/parking layouts. This should be shown to and discussed with the Building Commissioner, and brought to the Board of Appeals hearing.
- ❖ The Permitting Department will mail out the legal notice and publish the Public Notice according to MGL Chapter 40A, Section 10. The applicant will pay a separate fee equal to the certified mailing to each household on the abutters list

Hearing:

- ❖ The Public Hearing will typically be held in the Carver Town Hall in a location designated by the Public Notice. The applicant, or a representative, will present the testimony and answer any questions before the Board of Appeals.
- ❖ After hearing all pertinent information, including the testimony of any abutters who may be present, the Board will either vote on your application or continue the hearing to another date if the Board requests more information.
- ❖ Once your request is granted or denied, the Board has 14 calendar days to submit its written Decision to the Town Clerk.

Appeal Period:

- ❖ Once the Decision is filed with the Town Clerk, there will be an appeal period of 20 calendar days. During this time anyone who thinks they have been harmed by the Decision may file an appeal pursuant to MGL C.40A Section 17.
- ❖ At the end of the 20 days, if no one has appealed, the Applicant may pick up a certified copy of the Board's Decision at the Town Clerk's office.

Registry of Deeds:

- ❖ The **Applicant/Agent** is required to record the Decision at the Plymouth County Registry of Deeds in Plymouth, MA. Please bring a copy to be stamped by the Registry of Deeds, as the original may not be returned immediately. All required fees are the responsibility of the Applicant or Owner.
- ❖ The **Applicant/Agent** must bring a copy of the recorded Decision to the Building Department, a Building Permit will be issued upon receipt of the recorded Decision
- ❖ Variances lapse after one year if not used but may be extended for six months by the ZBA if a request is presented to the Board before the elapsed date.
- ❖ Special Permits lapse after two years if not used, in most cases.



TOWN OF CARVER

Zoning Board of Appeals

108 Main Street, Carver, MA 02330

Phone: 508-866-3450 Fax: 508-866-3430

Email: townplanner@carverma.gov

TO ALL APPLICANTS AND ATTORNEYS APPEARING BEFORE THE TOWN OF CARVER ZONING BOARD OF APPEALS

PETITIONERS: All written submissions of the Petitioner in support of the Application must be filed with the Planning Department no later than six (6) business days prior to a scheduled Public Hearing, absent compelling circumstances. Items not subject to this requirement are communications from abutters, updated maps, septic plans, and copies of filed Decisions of other Town Boards or Committees. Failure to abide by this requirement may result in a postponement of the Case or the exclusion from consideration by the Board of said submissions.

RESPONSES/OPPOSITION: All written submissions of a non-Applicant in response and/or in opposition to an Application must be filed within three (3) business days prior to a scheduled Public Hearing, absent compelling circumstances. Failure to abide by this requirement may result in a postponement of the Case or the exclusion from consideration by the Board of said submissions.

All Attorneys must copy each other on their submissions no later than three (3) business days prior to a scheduled Hearing, absent compelling circumstances.

CASE #

ZONING BOARD OF APPEALS

APPLICATION FOR PUBLIC HEARING

Permit Fee: ☐ Application \$200 ☐ Review & Inspection \$250

Location of Property: _____

Name of Applicant/Agent: _____ Phone # _____

Applicant/Agent Address: _____ Email: _____

Applicant is: ☐ Owner ☐ Agent ☐ Tenant ☐ Prospective Owner
Owner (If not applicant): _____ Phone # _____

Owner Address: _____ Email: _____

Application is for:

- ☐ Variance from Section _____
- ☐ Special Permit in accordance with Section _____
- ☐ Appeal from Decision/Order of Building Commissioner (Attach Building Commissioner's Letter)
- ☐ Accessory Apartment Special Permit, Sections 5.3.2 & 5.4.7 C]
- ☐ Other (please specify): _____

Detailed reason for request (attach extra pages if necessary): _____

I hereby request a hearing before the Zoning Board of Appeals. (Application requires signatures of both owner and agent if agent is applying for hearing):

Signature of Owner: _____

Signature of Agent: _____

Date: _____

VARIANCE CRITERIA:

A variance may only be granted when **all of the four criteria are met**:

1. Describe the circumstances relating to *the soil conditions, shape or topography which especially affect the land or structure(s)* in question, but which do not affect generally the Zoning District in which the land or structure is located that would substantiate the granting of a variance.

2. Describe how the literal enforcement of the provisions of the zoning ordinance relating to the circumstances especially affecting the land or structure in question would involve *substantial hardship, financial or otherwise*, to the petitioner.

(Note that 2, hardship, must relate to the circumstances of the lot described in 1. For example: a stone outcrop prohibits development consistent with zoning.)

3. Describe how desirable relief may be granted *without substantial detriment to the public good*.

4. Describe how desirable relief may be granted *without nullifying or substantially derogating from the intent or purpose of the zoning By-laws* of the Town of Carver.

State law (MGL Ch. 40A) specifies that the ZBA must find that all four criteria are met in order to be authorized to grant a variance. If one of the standards is not met, the ZBA must deny the variance.

EXPLANATION OF VARIANCE CRITERIA

1. MGL Chapter 40A, Section 10 requires that in order to grant a Variance from a local Zoning By-law, something specific relating to the condition of the soil, shape of the lot (not size), or topography MUST be present. For example: If the applicant would like to build an attached garage but will be less than the required 30' setback from the side lot line, the applicant must prove that a hardship exists and the garage cannot be built without the variance.
 - a. Soil condition- perhaps the septic or well is located in a specific area that impacts the building plan. Other conditions of soil could be wetlands, easements, asphalt, utilities entering the home underground and large trees, bedrock or growth that should not be disturbed.
 - b. Shape of the lot- A shape consideration could be an irregular-shaped lot, that might narrow on one side, be triangular, with the placement of the principal dwelling dictating where the proposed garage can be located.
 - c. Topography- If there is a slope or berm/hill on the lot that would be prohibitively expensive to fill/level, this would be a topographic hardship.



TOWN OF CARVER

Building Department

LETTER OF DENIAL FOR ZONING BOARD OF APPEALS

Date: _____

District Zoned: _____

Owner: _____

Location of Project: _____

Proposed Project: _____

REASON FOR DENIAL:

- | | |
|---|--|
| <input type="checkbox"/> Short _____ on frontage per 2320 | <input type="checkbox"/> Short _____ on lot size per 2320 |
| <input type="checkbox"/> Short _____ on side yard per 2320 | <input type="checkbox"/> Short _____ on rear yard per 2320 |
| <input type="checkbox"/> Short _____ on front set back per 2320 | <input type="checkbox"/> Home occupations per 2242 |
| <input type="checkbox"/> Nonconforming structures per 2253 | <input type="checkbox"/> Nonconforming uses per 2252 |
| <input type="checkbox"/> Barn square footage per 2245c | <input type="checkbox"/> Accessory bldg square footage per 2245c |
| <input type="checkbox"/> Wireless facility per 4660 | <input type="checkbox"/> Accessory bldg short _____ on set back
per 2245b |

Other: _____

☐ The applicant received the appropriate section(s) of the Zoning By-Law(s)

Building Commissioner

Date

5300. SPECIAL PERMITS.

5310. Special Permit Granting Authority (S.P.G.A.). Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority.

5320. Governance. Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in G.L.c. 40A, s.9. The S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in G.L.c.40A.

5330. Criteria. Special permits may be granted by the S.P.G.A. upon its written determination that benefits of the proposed use outweigh its detrimental impacts on the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any criteria set forth in specific provisions of this bylaw, the determination shall include consideration of each of the following:

5331. Social, economic, or community needs which are served by the proposal;

5332. Traffic flow and safety, including parking and loading;

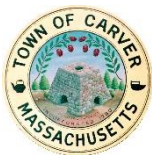
5333. Adequacy of utilities and other public services;

5334. Neighborhood character and social structures;

5335. Impacts on the natural environment;

5336. Potential fiscal impact, including impact on town services, tax base, and employment.

5340. Procedures. Whenever an application for a special permit is filed with a S.P.G.A., the applicant shall also file, within three (3) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Police Chief, Fire Chief, and the Town Planner for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the S.P.G.A. Said authority shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to either complete an application within such time or to request permission to withdraw the incomplete application without prejudice prior to the publication of the notice of the public hearing thereon, shall result in a denial of the application on the ground that it is incomplete. Reports from other boards and officials shall be submitted to the S.P.G.A. by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the S.P.G.A. is held prior to the expiration of the 35 day period, said authority shall continue the public hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the S.P.G.A. shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.



TOWN OF CARVER
BOARD OF ASSESSORS
Telephone (508) 866-3410 – Fax [508] 866-7401

Cranberry Land USA

CERTIFIED ABUTTER'S LIST REQUEST

The Assessor's Office will certify the names and mailing addresses of all abutters. The fee for this service is subject to the Fee Schedule.

The office has **10 days** to complete this request.

Applicant: _____

Mailing Address: _____

Telephone: _____

Location of Property: _____

Map: _____ Lot: _____ Key # _____

For: _____ Board of Selectmen

_____ Conservation Commission (100')

_____ Zoning Board of Appeals

_____ Planning Board

_____ Earth Removal

_____ Board of Health (100')

Map / Lot

Map / Lot

Map / Lot

Note: Once a certified abutter's list request is complete – the certification is only good for 30 days from the date on the letter.

____ I DO NOT HAVE A MEETING DATE BEFORE THE BOARD CHECKED ABOVE BUT WILL CALL TO ACTIVATE THIS REQUEST ONCE I KNOW THE DATE OF MY HEARING/MEETING.