

# ZONING BOARD OF APPEALS

WINCHENDON, MASSACHUSETTS



## Petition for Hearing **VARIANCE**

Two checks: Town of Winchendon \$ \_\_\_\_\_ Winchendon Courier \$ \_\_\_\_\_  
\*\*\*\*\*

### **Tax Certification**

Pursuant to the provisions of Massachusetts General Law, Chapter 40, Section 57, the Town Bylaw, Licenses and Permits of Delinquent Taxpayer, Section 1: "Any Board...shall deny application...for any person, corporation, or business enterprise who has neglected to pay any local taxes, fees, assessments, betterments, or any municipal charge." Certification must be obtained from the Town Treasurer on this form before it is submitted to the Zoning Board of Appeals. The Treasurer has up to ten (10) days to complete this certification process.

*I hereby certify that the applicant or the owner of record owes no debt to the Town of Winchendon for a period of time greater than twelve (12) months.*

\_\_\_\_\_  
(Town Treasurer)

\_\_\_\_\_  
(Date)

\*\*\*\*\*  
Date \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

Location \_\_\_\_\_

Map \_\_\_\_\_ Parcel \_\_\_\_\_

Owner's name \_\_\_\_\_

Lot size \_\_\_\_\_

Address (if different) \_\_\_\_\_

Zone \_\_\_\_\_

Applicant's name \_\_\_\_\_  
(if different than owner)

Address \_\_\_\_\_

Applicant's tel. # \_\_\_\_\_  
\*\*\*\*\*

### **Request for a Variance**

This application is a request to the Zoning Board of Appeals of Winchendon for a Variance under the provisions of Article \_\_\_\_\_ Section \_\_\_\_\_ of the Winchendon Zoning Bylaws.

### **Nature of the Variance Request:** \_\_\_\_\_ \*\*\*\*\*

**Eight (8) copies of this application must be accompanied by 8 copies of the following:**

- (a) Sketch plan (see attached instructions)
- (b) Any supporting information and data the applicant feels will support their application.
- (c) Letter of denial/explanation from the Building Inspector.

The application must also be accompanied by the appropriate application fee and Winchendon Courier advertising fee.

### **Application certification and signature**

*I hereby certify that the information provided in this application and the accompanying drawing(s) of the property as well as any supporting data are accurate, true, and correct to the best of my knowledge and belief. I hereby request a hearing before the Zoning Board of Appeals with reference to the above noted application.*

\_\_\_\_\_  
Signature of Applicant (or their representative)

\_\_\_\_\_  
Date

*The original of this form is to be filed with the Town Clerk.*

This application will not be considered complete until all of the above information is provided.

## CHECKLIST FOR VARIANCE APPLICATION

Please use this checklist as a guide for submitting a complete application, which will avoid unnecessary delays in scheduling your hearing for a Variance. Errors and omissions on the applicant's behalf may delay application process and/or require a new application to be filed with application fees charged again.

**PREPARE THE FOLLOWING:** Reverse Side Contains Detailed Information For Each Number.

- \_\_\_\_\_ 1: Complete the Variance Application
- \_\_\_\_\_ 2: Get the application signed by Town Treasurer for Tax Certification
- \_\_\_\_\_ 3: Letter(s) of denial from the building inspector
- \_\_\_\_\_ 4: Sketch Plan (Tape Survey or Engineered Drawing)
- \_\_\_\_\_ 5: Supporting information, as appropriate, regarding the application
- \_\_\_\_\_ 6: Check for \$100.00 made payable to the Town of Winchendon
- \_\_\_\_\_ 7: Check for \$84.00 made payable to the Winchendon Courier

 **ONCE THESE ITEMS ARE GATHERED AND PREPARED,  
PLEASE SUBMIT THE FOLLOWING TO THE TOWN CLERK'S OFFICE:** 

➤ **EIGHT (8) COPIES OF:**

- Completed Application
- Letter(s) of denial from building inspector
- Sketch Plan
- Supporting Information

- **CHECK PAYABLE TO: Town of Winchendon (\$100.00)**
- **CHECK PAYABLE TO: Winchendon Courier (\$84.00)**

If you have further questions, please see the building inspector who will be able to assist you in completing your application.

## **DETAILED INSTRUCTIONS FOR A VARIANCE APPLICATION**

Please use these instructions with the checklist provided to complete your Variance Application.  
If you have further questions, please see the building inspector for additional information.

### **1: Complete the Variance Application:**

- Location refers to the physical address of the property in question.
- Book, page, map, and parcel number is available at the assessor's office.
- Lot size can be found on your tape survey, engineered drawing or at the assessor's office.
- Zone can be found in your letter of denial from the building inspector.
- Article and Section numbers can also be found in your letter of denial from the building inspector.
- Nature of the variance request should be a brief description of the relief you are seeking from the Board. (e.g.; Variance of 12 feet from side yard setback)

### **2: Get application signed by Town Treasurer for Tax Certification:**

- Take the filled in application to the Town Treasurer's Office. The Town Treasurer will determine if *either* the applicant *or* the owner of the property in question owes any debts or taxes to the Town of Winchendon on *any* property in the Town for a period of time greater than twelve (12) months. If there are none, the Town Treasurer will so certify.
- The Town Treasurer has ten (10) days to complete this certification.

### **3: Letter(s) of denial from the building inspector:**

- You received a letter of denial from the building inspector when you apply for your building permit. This letter described the reason(s) why the building permit was denied and the applicable article and section of the zoning bylaw which was violated. This letter is needed for reference by the Board of Appeals and contains information pertinent to your application.

### **4: Sketch Plan (Tape Survey or Engineered Drawing):**

- Complete a "to scale" sketch plan for the site. A tape survey (usually found with mortgage/appraisal paperwork) should be sufficient.
- Depending on the complexity of the case, an engineered drawing may be required by the board.
- Sketches and drawings presented with application should be no larger than 11x17. Larger drawings may be brought in for presentation purposes for the public hearing.

### **5: Supporting information, as appropriate, regarding the application:**

- Any additional drawings needed to clarify the proposed plans.
- Brief written statement describing the proposed plans.
- Photographs, charts, or other visual aids to assist the Board in making its decision

### **6: Check for \$100.00 payable to the Town of Winchendon:**

- This fee covers the administrative costs for handling your appeal.
- This fee is not refundable in part or in whole, regardless of the result of your hearing.
- The Town Clerk will provide you a receipt.

### **7: Check for \$84.00 made payable to: Winchendon Courier:**

- This fee covers the advertising costs associated with publicizing your public hearing.
- The Town clerk will provide you a receipt.

## **Frequently Asked Questions About Your Application For A Variance**

**Q: After I submit my COMPLETED application, what happens?**

**A:** The Zoning Board of Appeals has 65 days from the date certified on your application by the Town Clerk, assuming that your application is complete when stamped in, to hold a public hearing on your application. It is the applicant's responsibility to supply all required information for a completed application. **(See Checklist and Instructions)**

You will then be notified of the hearing date, time and place by mail (Notice of Public Hearing). You will be required to attend and present your application to the Board on this date and time.

**Q: Can I use an attorney?**

**A:** Yes. At your expense, you may use an attorney, agent or any knowledgeable person to offer testimony and/or speak on your behalf related to the application.

**Q: What happens at the Public Hearing?**

**A:** The Board will ask questions of you and will also accept information and/or testimony relating to the application from any abutters or interested parties who come to the public hearing or who have submitted their comments/questions to the Board in writing. The Board may choose to continue the hearing to another date to gather more information, or the Board will close the hearing if it is satisfied that it has sufficient evidence, information, testimony, etc. upon which to make a decision.

**Q: What issues/questions should I be prepared to answer?**

**A:** The Board has the power to grant a Variance from the zoning bylaws under certain, very specific and limited conditions. Therefore, a Variance can only be granted if **ALL** of the following conditions are met. You should be prepared to address all these issues.

- There are specific conditions affecting the lot – such as soil conditions, shape, and/or topography. There may also be building(s) in question that are unique to your lot or building(s) and do not affect other lots or buildings in the zoning district in which it is located.
- These unique conditions are not the result of actions by the applicant.
- Because of this unique set of conditions, a literal enforcement of the zoning bylaw would involve substantial hardship, financial or otherwise, to you, the applicant.
- If a Variance were to be granted, it would not cause substantial detriment to the public good and it would not nullify or substantially derogate from the intent or purpose of the zoning bylaw.
- The Variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. (The Board can grant a Variance that is less than requested, if findings allow for it.)

**Q: Can the Board limit the Variance requested?**

**A:** The Board may impose conditions, safeguards and limitations of either time and/or use of the Variance, including the continued existence of any particular structures. The Board may not place conditions, safeguards or limitations on ownership of the property, as the variance applies to the property and not the owner.

**More Information On Back**



**Q: The hearing is done...what happens next?**

**A:** Several things occur after the hearing is closed...

- You need a **minimum** of four votes from the Board in favor of your application to be granted a Variance.
- The Zoning Board has 100 days from the date the application was filed to make a decision on your application.
- After the decision is made, the Board will send you, abutters and interested parties a "Notice of Decision" in the mail informing these parties of the Board's decision. The "Notice of Decision" is typically mailed within 14 days of the Board's decision.
- A "Detailed Record/Decision" form and a "Notice for Recording" form are filed with the Town Clerk's Office. These documents remain in the Town Clerk's Office for 20 days during which time any person aggrieved by the Board's decision may file an appeal to the Superior Court of the Commonwealth of Massachusetts.

**Q: I have been granted a Variance...What do I do next?**

**A:** If no appeal has been filed within the 20-day appeal period, you will receive the original documents, "Detailed Record/Decision" and "Notice for Recording". You will be required to file the "Notice For Recording" at the Worcester Registry of Deeds before the Variance becomes effective.

**Q: I have been denied a Variance... What can I do next?**

**A:** You may accept Board's decision or you may appeal it. You may appeal the decision, within the twenty (20) day appeal period, to the Superior Court of the Commonwealth of Massachusetts. If you accept the Board's decision, you may not apply to the Board on substantially the same matter for two years after the decision has been made.

**Q: How long does my Variance last?**

**A:** The Variance will expire or lapse if not "exercised" within 12 months from the date of filing with the Town Clerk. This is the date the 20-day appeal period ends. "Exercised" is defined as having obtained any necessary building or other permits and having begun the use of or construction of the building for which the Variance was granted. Consequently, if substantial work as planned and proposed in the application does not begin within this one year, the Variance becomes null and void.

**Q: Can I get a longer time to exercise my Variance?**

**A:** The Board may, at its discretion and for good and sufficient reason, grant an extension of up to six (6) months. You must apply for this extension in writing to the Board before the expiration date of your Variance.

**Q: I still have more questions...Who can help me?**

**A:** You may see the building inspector at Town Hall for additional information. You may also want to consider purchasing the Winchendon Zoning Bylaws from the Town Clerk's Office for more details with regard to the Variance process.

# TOWN OF WINCHENDON



Zoning Board of Appeals

Telephone (978) 297-0085

Facsimile (978) 297-1616

109 Front Street  
Winchendon, Massachusetts 01475-1758

## **Board of Appeals** **Fee Schedule**

Variance Applications	\$ 100.00
Special Permit Applications	\$ 100.00 (includes one unit) \$ 75.00+ For each additional unit being requested.
Comprehensive Permits	\$ 150.00 Per unit
Appeal	\$ 100.00

**In addition, the applicant is responsible for the \$84.00 advertising fee,  
payable to "The Winchendon Courier".**