



## TOWN OF READING

### 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 Inspector.

- The process begins by meeting with the Building Inspector and getting an application. The application is available on line, but you should discuss your case with the Building Inspector before submitting a completed application.
- The Building Inspector will review the application with you and explain what you should submit in order to present your case before the Zoning Board of Appeals.
- If you are requesting a Variance you must meet all of the following four criteria in order for the Board to be able to grant the Variance. You must complete the Variance Criteria form enclosed in this packet.
  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 affecting generally the zoning district in which located.”
  2. “a literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the petitioner and”
  3. “desirable relief may be granted without substantial detriment to the public good and”
  4. “without nullifying or substantially derogating from the intent or purpose of such by-law.”
- You will complete the Request for Abutters List at this time and it will be submitted to the Board of Assessors by the Building Department (this process can take up to 3 weeks so this allows the necessary lead time). When the list is returned to the Community Services Office it will be mailed to you.
- You then address and stamp two sets of business size envelopes with the names of the abutters from the Abutter’s List and the surrounding towns that are on the list. Be sure to include an envelope with your own name and address for each set. We will put the Town Hall return address on each envelope. The first set is used to mail out the legal notice regarding your hearing which will be put in the Reading Chronicle at least two weeks before the date of your hearing. The second set will be used to mail the decision. Please separate the two sets with elastics.
- The Applicant must submit the original Application to the Town Clerk who stamps in the Application, keeps the original, and gives 10 copies of the stamped page to the Applicant. The Applicant adds the copies of the stamped Application to each package and submits the completed application packages along with the required \$90 fee to the Zoning Board of Appeals via the Building Inspector. Your application package must contain one clearly marked original set and nine copies of all materials, collated into ten separate sets. The Building Inspector will review the application package and assign a hearing date. Please note that hearing dates are assigned on a first-come, first-served basis.

➤ **Each of the ten separate sets of application materials must contain the following** in the order as shown below (the Building Inspector will indicate what applies to your case):

Met with Building Inspector to review application on \_\_\_\_\_.

Completed Application Form

Completed Variance Criteria Form if requesting a Variance.

Copy of your Building Permit application

Copy of the Building Inspector's letter of denial for your Building Permit application,

**or**

Copy of the Building Inspector's decision letter that you are appealing. Your application must be submitted within 30 days from the date of the Building Inspector's decision. Please include a supporting statement explaining your position.

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 building or addition. The Plot Plan must show the proposed structure and indicate the setback distances from all lot lines. If conservation issues are applicable, provide wetland area delineation and distances.

Copy of Assessor's Map that shows the property as well as any other maps that are listed on the abutter's list. (These may be obtained from the Town Engineer's office).

Any plans needed to clarify your request such as architectural building plans or floor/parking layouts.

Certified Abutters List approved by the Board of Assessors. Submit this request (which is attached) to the Building Department first as it may take up to three weeks to receive. This will be mailed to you when received by the Building Department.

Also included must be:

Two sets of business size envelopes that have been stamped and addressed to each abutter and surrounding town listed on the Abutter's List. We will add the Town Hall's return address to the envelopes. Please separate each set with elastics. Be sure to include two envelopes addressed to you, one in each set of envelopes.

The Application fee of \$90 payable to the Town of Reading and attached to the original set. In case of Municipal Reuse, Comprehensive Permit or other major hearing, the fee is based on the Rules & Regulations. You will be billed directly by the Reading Chronicle for the advertising fee for the Legal Notice of your ZBA hearing.

➤ The hearing will be held in the Selectmen's Meeting Room at the Town Hall where you will present your information to the Board in support of your petition.

- After hearing all pertinent information, including the testimony of any abutters who may be present, the Board will either vote on your petition or continue the hearing to another date if they have requested more information.
- If your request is **granted**, the Board has 14 calendar days to submit its written decision to the Town Clerk.
- Once the decision is submitted to the Town Clerk, there will be an appeal period of 20 calendar days during which time anyone who thinks they have been harmed by the decision may file an appeal to the appropriate State Court.
- 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.
- You are then required to record the decision at the Middlesex South Registry of Deeds in Cambridge. All required fees are the responsibility of the Applicant or Owner.
- When you apply for your Building Permit to build in accordance with a Variance or Special Permit that has been granted, you must attach a copy of the certified decision that indicates the recording of the decision at the Registry of Deeds.
- If your request is **denied**, the Board has 14 calendar days to submit its written decision to the Town Clerk. If you want to appeal the decision of the Board you must do so within 20 calendar days at the appropriate State Court. For further information regarding this process consult Massachusetts General Laws, Chapter 40A, Section 17.
- 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.