TOWN OF MANSFIELD, MASSACHUSETTS
SIX PARK ROW, MANSFIELD, MA 02048

ZONING BOARD OF APPEALS - APPLICATION GUIDELINES

Please review these guidelines and appropriate sections of the Zoning By-Law before completing the attached application. All sections must be completed and all required information must be submitted. Incomplete information may result in delays in the hearing or denial of the application

This application is to be used to request one of the following:
VARIANCE; FINDING; SPECIAL PERMIT; or **APPEAL OF A LOCAL DECISION**

Prior to filing any application, the applicant must obtain a Certified Abutters List from the Assessors' Office. The form to request that list is attached.

The complete application package, including each of the following items, must be submitted to the Town Clerk's Office.

1. Ten (10) copies of the completed application (attached)
2. Ten (10) copies of the plan
   The plan must be a certified plot plan, signed and stamped by a Registered Land Surveyor or Engineer. The plan must show existing and proposed conditions, including all existing and proposed structures and measurements showing setbacks to other structures and to lot lines. Measurements are to be taken from the structure's closest point to the lot line. The plan must include suitable space to record the signatures of the five (5) members of the Zoning Board of Appeals.
3. Certified Abutters List
4. Filing fee of $150 (checks made payable to the Town of Mansfield).

The applicant may include other pertinent information for the board's consideration (e.g.: photographs, elevation drawings, building plans, etc.). If additional information is necessary, the applicant will be notified, whenever possible, prior to the public hearing.

1. **VARIANCE** (Mansfield Zoning By-Law **Section 230-7.2B(3)**
   M.G.L. Chapter 40A, Section 10 requires the Zoning Board of Appeals to consider the following three conditions when reviewing an application for a Variance:
   1. The lot or structure is subject to special circumstances relating to soils, shape or topography of the land, which impact the lot or structure in question but do not impact the general area.
   2. A literal enforcement of the Zoning By-Law would create substantial hardship for the applicant.
   3. The Variance could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law.

   The applicant should describe how the request meets these three conditions in question #8 of the application.

2. **FINDING** (Mansfield Zoning By-Law **Sections 230-3.10 and 230-7.2B(4)**)
   A Finding is requested for the alteration or expansion of a pre-existing, non-conforming residential structure. The board must conclude the proposed alteration is not substantially more detrimental to the neighborhood than the existing structure. The applicant should describe how the alteration will change the existing structure and whether it will be more detrimental to the neighborhood than the existing structure in question #8 of the application.

4. **SPECIAL PERMIT** (Mansfield Zoning By-Law **Sections 230-3.10(2)(a), 230-4.3E and 230-7.2B(2)**)
   The Zoning Board of Appeals may grant a special permit under **Section 230-3.10(2)(a)** for the change, extension or alteration of a pre-existing, non-conforming structure or use. The board also may grant a special permit under **Section 230-4.3E** to deviate from the landscaping standards of **Section 230-4.3**. Specific special permit filing guidelines are outlined in **Section 230-5.5** of the Zoning By-Law.

4. **APPEAL OF A LOCAL DECISION** (Mansfield Zoning By-Law **Section 230-7.2B(1)**)
   M.G.L. Chapter 40A, Section 8 allows the Zoning Board of Appeals to hear the appeal of anyone aggrieved by an inability to obtain a permit from any administrative official, officer or board of the town or anyone aggrieved by an order of the Inspector of Buildings.

   In addition to the filing requirements above, the applicant should provide an explanation of the grievance, a statement of relief being sought and any other relevant material.

For each of these applications, the process is as follows:

1. The complete application package, described above, is filed with the Town Clerk
2. The application is reviewed and the public hearing date and time are set.
   Zoning Board staff prepares a legal advertisement, which must be run twice in a local newspaper. **The applicant is responsible for the cost of the legal advertisement and will be billed directly by the newspaper.**
3. Zoning Board staff mails a copy of the legal advertisement to the applicant and to each abutter listed on the Certified Abutters List as notice of the public hearing.
4. At the public hearing, the applicant presents information in support of the request and answers board members' and abutters' questions. The board may either close the public hearing and vote or request additional information and continue the public hearing.
5. The board must make a decision on a Variance, Finding or Appeal within 100 days of the application's filing. The board must make a decision on a Special Permit within 90 days of the close of the public hearing.
6. A written decision is drafted, reviewed and signed by the board. The decision is filed with the Town Clerk and a twenty (20) day appeal period begins. Parties aggrieved by the decision of the board may file an appeal in Superior Court within this 20-day period.
7. If no appeal is filed, the board's decision is final upon the expiration of the appeal period.
8. The decision is mailed to the applicant, who must record it at the Bristol County Registry of Deeds.
9. Following the recording of the decision, building permits may be applied for or other actions taken.
10. Proof of recording shall be submitted with the building permit application.

Questions regarding the application or required information may be directed to Zoning Board of Appeals staff at (508) 851-6463.

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ZONING BOARD OF APPEALS
APPLICATION FORM

Please review the application guidelines and the appropriate sections of the Mansfield Zoning By-Law before completing this form.

TYPE OF APPLICATION: ____FINDING ____VARIANCE

____SPECIAL PERMIT ____APPEAL FROM A LOCAL DECISION

1. NAME OF APPLICANT(S) _____

   ADDRESS _____

   PHONE NUMBER(S) _____

   EMAIL_____

2. NAME OF OWNER(S) _____
   (IF DIFFERENT FROM APPLICANT)

   ADDRESS _____

   PHONE NUMBER(S) _____

   EMAIL_____

3. LOCATION OF PROPERTY FOR WHICH THE APPLICATION IS BEING FILED

   _____

   ASSESSORS MAP AND PARCEL NUMBER _____ ZONING DISTRICT _____

4. HOW LONG HAVE YOU OWNED THIS LOT? _____

5. PRESENT USE OF PROPERTY _____
   (e.g., single-family, commercial)

6. PROPOSED USE OF PROPERTY _____

   _____

7. SPECIFY THE SECTION(S) OF THE ZONING BY-LAW FOR WHICH THIS APPLICATION IS BEING FILED (e.g., Schedule 4.2A, Side Yard Setback)

_____

8. STATE THE GROUNDS FOR THIS APPLICATION AND WHY IT SHOULD BE GRANTED (Use a separate page if necessary)

_____

_____

IN THE CASE OF AN APPEAL FROM A LOCAL DECISION:

1. WHOSE OR WHAT DECISION IS BEING APPEALED?

_____

_____

2. STATE THE GROUNDS FOR THIS APPEAL (Use a separate page if necessary)

_____

_____

3. STATE THE DESIRED OUTCOME OF THIS APPEAL

_____

_____

APPLICANT'S SIGNATURE_____
DATE_____

OWNER'S SIGNATURE_____
DATE_____

ABUTTERS CERTIFICATION FORM

THIS FORM IS TO BE ATTACHED TO ANY APPLICATION FILED WITH THE MANSFIELD ZONING BOARD APPEALS (ZBA). THE ZBA REQUIRES THE APPLICANT TO PREPARE AND HAVE CERTIFIED BY THE TOV ASSESSORS OFFICE A COMPLETE LIST OF ABUTTERS AND PARTIES OF INTEREST. THIS LIST MUST BE FILLED OUT COMPLETELY, AND INCLUDE THE NAME, ADDRESS, MAP AND PARCEL NUMBERS OF DIRE ABUTTERS [INCLUDING OWNERS ACROSS ANY ROADWAY] AND ALL ABUTTERS TO THE ABUTTERS WI 300 FEET OF THE PROPERTY LINE OF THE LAND WHICH IS THE SUBJECT OF THE APPLICATION. ALL INFORMATION IS IT APPEARS ON THE MOST RECENT APPLICABLE TAX LIST. IF MORE THAN ONE SHE REQUIRED PLEASE COPY AS NEEDED.

THE ASSESSORS OFFICE MAY TAKE A MINIMUM OF 5 WORKING DAYS TO REVIEW AND CERTIFY THIS SO PLEASE PLAN AHEAD.

NAME/ADDRESS/MAP & PARCEL NUMBER OF OWNER OF PROPERTY WHICH IS THE SUBJECT OF THE APPLICATION

NAME_____ ADDRESS_____

MAP_____ & PARCEL_____

ASSESSORS MAP & LOT NUMBERS		NAME	ADDRESS

NAME OF APPLICANT_____ ~~ADDRESS~~ Phone_____

Reason?

~~CERTIFIED BY~~_____, MANSFIELD ASSESSORS OFFICE DATE_____