



APPLICATION REVISED OCTOBER 2017

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
IMPORTANT: At least one (1) copy of the plan must be no larger than 8.5"x14" to be recorded at the Registry of Deeds.
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 be legible and include a Zoning Board of Appeals signature block;
3. Certified Abutters List; and
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.

3. 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.
IMPORTANT: At least one (1) copy of the plan must be no larger than 8.5"x14" to be recorded at the Registry of Deeds.
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. The decision is mailed to the applicant, who must record it at the Bristol County Registry of Deeds. **IMPORTANT: At least one (1) copy of the plan must be no larger than 8.5"x14" to be recorded at the Registry of Deeds.**
8. Following the recording of the decision, building permits may be applied for or other actions taken.
9. 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) 851-6456.



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

**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 _____

IMPORTANT: At least one (1) copy of the plan must be no larger than 8.5"x14" to be recorded at the Registry of Deeds.

ABUTTERS CERTIFICATION FORM

THIS FORM IS TO BE ATTACHED TO ANY APPLICATION FILED WITH THE TOWN OF MANSFIELD ZONING BOARD OF APPEALS (ZBA), CONSERVATION COMMISSION, BOARD OF HEALTH, PLANNING BOARD AND THE BOARD OF SELECTMEN.

THE ASSESSORS OFFICE MAY TAKE 10 DAYS TO REVIEW AND CERTIFY THIS APPLICATION FORM, SO PLEASE PLAN AHEAD.

THE MANSFIELD ZONING BOARD OF APPEALS REQUIRES 300 FEET.

THE MANSFIELD PLANNING BOARD REQUIRES 300 FEET.

THE MANSFIELD CONSERVATION COMMISSION REQUIRES 100 FEET.

THE MANSFIELD PLANNING BOARD REQUIRES 300 FEET.

PLEASE CHECK WITH ANY OTHER DEPARTMENT ON THE REQUIREMENTS FOR YOUR APPLICATION.

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

SUBJECT PROPERTY OWNER(S): _____

SUBJECT PROPERTY ADDRESS: _____

SUBJECT PROPERTY MAP: _____, PARCEL(S) _____

NAME OF APPLICANT _____ PHONE NO. _____

REASON: _____

ZONING BOARD OF APPEALS CHECKLIST

THE FOLLOWING ITEMS MUST BE INCLUDED WITH ALL
ZONING BOARD OF APPEALS APPLICATIONS:

_____ Completed Zoning Board of Appeals Application Form (10 copies)

_____ Certified Abutters' List (1 copy)
(available from the Assessor's Office)

_____ Plan (10 copies)
(signed and stamped by a Registered Land Surveyor or
Engineer; at least one (1) copy of the plan must be no larger
than 8"x14" to be filed with the Registry of Deeds)

_____ \$150 check made payable to "Town of Mansfield"

_____ Completed Zoning Board of Appeals Checklist

The completed application and all attachments must be filed with the **Town Clerk's Office**.

The applicant will be billed directly by the *Mansfield News* for the cost of the legal advertisement.

The applicant is responsible for recording the decision and one (1) 8.5"x14" copy of the plan with the Bristol County Registry of Deeds and for providing the Town of Mansfield with proof of recording.