

INSTRUCTIONS FOR APPLICATION FOR SPECIAL PERMIT/VARIANCE **WAREHAM BOARD OF APPEALS**

Certain uses are allowed in several zoning districts **only** by means of a Special Permit and/or Variance from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning Bylaws.

All petition applications to the Zoning Board of Appeals must be completely filled out, reviewed, and approved for completeness by the Planning/Zoning Department Assistant.

The application and approval forms shall be filed with the Town Clerk in accordance with M.G.L. Chapter 40A. The Planning/Zoning Department Assistant will assist with this.

I. FILING THE PETITION/APPLICATION

Please **DO NOT INCLUDE** these instructions with your application **OR** your building permit application. That information is not required for this application.

Petitioners shall file **Nine (9) packets** consisting of the following:

- A. ☐ The application, one (1) original application and eight (8) copies of the application. (aka petition form).
- B. ☐ Nine (9) copies of the Deed showing record owner of property or purchase and sale agreement or other evidence of standing to file the petition.
- C. ☐ One (1) original wet-stamped and signed, **one digital copy of all plans**, and eight (8) copies, Certified Surveyor's plot plan of subject property, 8 ½ x 11" paper size preferred, consisting/showing:
 - 1. All lot dimensions, including all structure corner dimensions. (Property lines and offsets from existing buildings and proposed buildings accurate to a 0.1').
 - 2. Proposed buildings and structures with respective dimensions, including all distances from lot lines.
 - 3. North arrow.
 - 4. Topography (existing and proposed) if needed. (Topography based on mean sea level, 2' contours, if the parcel is near coastal wetlands).
 - 5. Scale of 1"=20' for lots under 1 acre.
 - 6. Scale of 1"=40' from lots over 1 acre.
 - 7. Names of streets, labeled public or private at the locus and within 300' of the locus.
 - 8. Zoning district that the property is located in.
 - 9. All adjacent buildings to the locus within 50' of property lines.
 - 10. Parking spaces, entrances, curb cuts, etc. if pertinent to the granting of the Variance or Special Permit.
 - 11. All proposed data should be labeled as such and shown cross-hatched or dashed to make it clear as to the changes.
 - 12. Location of wetlands, as determined by the Conservation Commission, if as part of the granting of a Special Permit will require a filing with the Conservation Commission as required by the Wetlands Protection Act.
- D. ☐ One or two photographs of the site or buildings. (Optional)

- E. ☐ A written statement to the Zoning Board of Appeals indicating the general conditions existing, the proposed intentions, and the use of the parcel.
- F. ☐ Inspector's decision/denial letter (if an appeal there from.)
- G. ☐ Any relevant permit application information or other pertinent information.
- H. ☐ Nine (9) copies of the Abutters List. One (1) list must be the original. The list is obtained by the applicant from the Assessor's Office. All property owners within a **300' radius** (including direct abutters, their direct abutters, and the property(s) directly across the street from the relevant property) of the subject parcel are to be notified by Certified Mail of the hearing date, time, and place. The hearing date notification will be provided by the Zoning Board Clerk to the applicant via email. Notifications to abutters are to be completed by the applicant.
- I. ☐ Sign-off from Treasurer/Collector Office that all taxes/fees owed to Town have been paid.
- J. ☐ A digitized copy of your complete application

NOTE: NO PETITION WILL BE DEEMED TO HAVE BEEN PROPERLY FILED UNLESS ALL STEPS ABOVE ARE IN COMPLIANCE.

II. FILING FEES

- A. **Residential Application Fee:** **\$300.00 – Make check payable to Town.**
- B. **Commercial Application Fee:** **\$750.00 – Make check payable to Town.**
- C. **Multi-Family Application Fee:** **\$300.00 plus an additional \$50.00 for every unit over two (2). Make check payable to Town.**
- D. **Legal Ad Fee:** **\$100.00 (for two (2) public hearing notices in a local newspaper. Make check payable to Wareham Week).**
- E. **Abutters Notification/Certified Mail:** **All abutters within 300' to the subject property must be notified of the public hearing, time, and place via Certified Mail. The applicant is responsible for the certified mailing costs per abutter listed on the certified abutters list. See Zoning Board Secretary to determine cost of mailings. Make check payable to Town.**

III. THE PUBLIC HEARING

- A. A schedule of the Board of Appeals meeting dates may be obtained from the Planning/Zoning Department website or by contacting the Planning/Zoning Department.
- B. You and/or your authorized agent's attendance and presentation at the public hearing is required or the petition may be denied.
- C. At the public hearing, the petitioner and/or authorized agent must be prepared to do the following:

1. If the appeal is from the Building Inspector's decision/denial relative to the issuance of a Building Permit, you need to establish the following according to the Wareham Zoning Bylaws:
2. For a ***Special Permit***, establish that the specific requirements of the Wareham Zoning Bylaws (and any other relevant sections) are met.
3. For a ***Variance***, establish that the four (4) requirements of the M.G.L. Ch. 40A, Section 10 are met. These four requirements are:
 - a. Owing the circumstances relating to soil conditions, shape, or topography of the petitioner's land or structure(s) and especially affecting such land or structure(s), but not affecting generally the zoning district in which it is located, a literal enforcement of the Wareham Zoning Bylaws (failure to grant the Variance) would prevent use of the land as zoned. (Hardship)
 - b. The Variance may be granted without detriment to the public good.
 - c. The Variance may be granted without nullifying or substantially derogating from the intent or purpose of the Wareham Zoning Bylaws.
 - d. Uniqueness.

****It is recommended that the petitioner obtain professional advice relative to seeking a Variance, as it is most important that it be complete since failure to adequately prove any of items a-d will result in a denial.**

IV. STEPS TO PROCESS AN APPROVED SPECIAL PERMIT OR VARIANCE TO OBTAIN A BUILDING PERMIT

NOTE: ALL SPECIAL PERMITS AND VARIANCES MUST BE RECORDED AT THE REGISTRY OF DEEDS BEFORE THEY BECOME EFFECTIVE. (See M.G.L. Ch. 40A, Section 11).

- A. The Zoning Board of Appeals will file its decision with the Town Clerk within 14 days of making its decision.
- B. After the 20th calendar day from the date on which the decision was filed with the Town Clerk, the petitioner or agent must pick up two (2) copies of the following from the Town Clerk:
 1. An attested copy of the decision.
 2. A statement from the Town Clerk certifying that no appeal has been filed.
- C. Both copies of the attested decision and no appeal statement from the Town Clerk must be taken to the Plymouth Registry of Deeds to be recorded (either with a Book and Page or time-stamped). Also, bring the original copy of the Certificate of Granting.
- D. Bring back the receipt of recording to the Planning/Zoning Department. This will be attached to your Board of Appeals decision to allow you to proceed with the Building Permit application process.
- E. The address of the Plymouth Registry of Deeds is:

50 Obery Street
Plymouth, MA 02360
Hours of Operation
Monday through Friday – 8:15 A.M. to 4:30 P.M.
508-830-9200

If you have any questions relative to this application or the application process, please contact the Planning/Zoning Department at 508-291-3100 ext. 6500.

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One: _____ Variance _____ Special Permit _____ Site Plan _____ Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: _____

Applicant's Address: _____

Telephone Number: _____

Cell Phone Number: _____

Email Address: _____

Address of Property/Project: _____

Landowner's Name: _____

Owner's Address: _____

Telephone Number: _____

Contact Person: _____ Telephone Number: _____

Map _____ Lot _____ Zone _____

Date Approved _____ Date Denied _____

Comments: _____

TOWN OF WAREHAM
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- Submit completed form, packets, and appropriate fees** to the Zoning Board of Appeals secretary.

**Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

**A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$100.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: _____ LOT: _____ MAP: _____
ZONING DISTRICT: _____
USE REQUESTED: _____
OWNER OF LAND & BUILDING: _____ TEL.# _____
ADDRESS OF OWNER: _____
PERSON(S) WHO WILL UTILIZE PERMIT: _____
ADDRESS: _____
DATE: _____ SIGNATURE: _____
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: _____ Date: _____
Planning/Zoning Dept.: _____ Date: _____
Application fee paid: _____ Check #: _____ Receipt: _____
Advertising fee paid: _____ Check # _____ Receipt: _____
Abutters fee paid: _____ Check # _____ Receipt: _____

Dear Applicant,

It is the Town's policy that any permits and approvals shall not be granted unless the applicant and/or property owner(s) taxes are paid. As a result, you should ascertain the status of your property tax, auto excise, and all other fees prior to submitting any application to the Zoning Board of Appeals, Planning Board, and/or Conservation Commission. Unless all fees and taxes are paid or a payment agreement with the Tax Collector has been established (this should be exhibited by a signed statement from the Tax Collector), no approvals shall be issued. In addition, approval by the Zoning Board of Appeals, Planning Board or Conservation Commission does not constitute an approval for permitting or licensing as required from the Local Licensing Authority, that is, the Board of Selectmen. The applicant should ascertain the availability of any necessary permits from the Board of Selectmen, prior to appearing before any Board or Commission for their respective approval.

Thank you for your cooperation.

PLEASE NOTE

Effect January 26, 2021, the following postage changes will go into effect:

Certified Mail cost: \$6.96

Single stamp cost: \$.51

Any questions about these changes, please contact the Zoning Board Secretary