



WORTHINGTON ZONING BOARD OF APPEALS

Rules for Appeals, Special Permits and Variances

General information

All appeals and applications for special permits and variances must include the original and seven copies and shall be accompanied with a check in the amount of \$50.00 payable to the Town of Worthington. The original shall be filed by the petitioner with the Town Clerk, who must certify the date and time of filing. A copy of the petition including the Town Clerk's certification must then be filed forthwith by the petitioner with the Zoning Board of Appeals. M.G.L. Ch. 40A, section 15.

Applications to extend the rights authorized by a variance must be filed by the grantee with the Zoning Board of Appeals prior to the expiration of one year from the granting of the variance. M.G.L. Ch. 40A, section 10.

It is the applicant's responsibility to familiarize him/herself with these rules and the town's zoning bylaw which can be found on the Zoning Board of Appeals page on the town web site prior to the public hearing. Applicants should also be familiar with the state's zoning act M.G.L. Chapter 40A.

All hearings shall be open to the public. An appellant or petitioner may appear in his/her own behalf or be represented by an agent or attorney.

Order of Business at Hearing

- Reading of petition and legal notices by the Board, together with presentation of exhibits, if any.
- Appellant or petitioner's presentation
- Opponent's presentation, if any, and questions by those seeking information
- Appellant or petitioner's rebuttal, restricted to matters raised by opponent's presentation The board may ask questions during the hearing.

- When all comments have been voiced, the Board will close the hearing and may begin deliberations.

During the deliberations, the applicant and public may remain in attendance, but are no longer allowed to speak.

Appeals

Appeals under M.G.L Ch. 40A, section 8, shall be in writing and shall satisfy the requirements of M.G.L Ch. 40A section 15. They shall be submitted on the form that is furnished with these guidelines. In addition, they shall be accompanied by all plans and other paperwork submitted to and received from the towns' zoning enforcement officer, the Town Building Inspector, whose decision or failure to act is the subject of the appeal.

Special Permits

Applications for special permits under M.G.L Ch. 40A section 9, shall be in writing. It is recommended that every petition for a Variance or Special Permit, and every appeal should the petitioner choose to do so, be supported by a brief, setting forth in detail all facts relied upon by the parties. They shall be submitted on the form that is furnished with these guidelines.

Either on the form or by attachment, the following information shall be furnished:

1. The name[s] and address[es] of the petitioning party, as well as a telephone number and email address, if available.
2. The name[s] and address[es] of the owner of the property which is the subject matter of the petition [if not the same as the petitioning party].
3. A list of the names and mailing addresses of all the owners of property within a distance of three hundred (300) feet of any boundary of the subject premises as they appear on the most recent tax list. This list must be certified as accurate by a member of the Board of Assessors.
4. A sketch or plan drawn to scale of the subject premises showing the location, dimensions and area of the lot, all existing and proposed structures/additions, and distance from the boundary lines of all structures/additions erected and to be erected on the lot. Please note that setbacks from roads and streets are measured from the side line of the right-of-way, not the edge or center line. The Board of Appeals may require a copy of the building plans that show the height and other dimensions of any proposed structures/additions, as well as any exterior lighting, grade alterations, drainage, parking areas, landscaping or other improvements/alterations that may affect abutting properties. The Board may further

require a full or partial survey plan of the property when, in its' opinion, boundary lines and/or setbacks cannot be reliably determined by a sketch.

5. The application shall also be accompanied by a legal description of said premises (taken from the deed).
6. Registry of deeds recording information for most recent deed to the premises – book, page, and date of recording.
7. A copy of that portion of the current assessors' map showing the property and that of all abutters required to receive notice (see item 3, above).

Variances

Applications for a variance under M.G.L. Ch. 40A section 10, shall be in writing. They shall be submitted on the form that is furnished with these guidelines. Either on the form or by attachment, the following information shall be furnished as referenced in #1-7 above under the heading Special Permits.

It is recommended that every petition for a Variance or Special Permit and Appeal should the petitioner choose to do so, be supported by a brief, setting forth in detail all facts relied upon by the parties and it should clearly identify and support the facts relied upon by the parties. This is particularly desirable in the case of a variance.

Based on the following language found in Chapter 40A Section 10 the criteria for granting a Variance is very restrictive.

The Board must find that the parcel was “ ***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 it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, that the parcel contained conditions that pertained to the shape, soil conditions or topography, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw***”.

The applicant must meet **all** of the following conditions as specified in Chapter 40A:

1. Facts regarding soil conditions, shape or topography
2. Facts which make up the substantial hardship
3. Facts relied upon to support a finding that desirable relief may be granted without substantial detriment to the public good
4. Facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the zoning ordinance

Revised 01/25/2023

**TOWN OF WORTHINGTON, MASSACHUSETTS
BOARD OF APPEALS**

PETITION TO BOARD OF APPEALS

Petitioner(s) _____ Address _____

The petitioner is the (owner, lessee, tenant) in possession, has a written contract to purchase or lease the premises affected by this petition. *(Cross out inapplicable words, not applicable to petitions for review). If petitioner is not owner please list owner and address.*

Petition is hereby made for a { Permit under the provisions
Variation from the requirements of
Review of a decision of the Building Inspector under

Section _____ paragraph _____ of Worthington By-Laws.

The Premises affected are situated on the North ___ South ___ East ___ West ___ side of
_____ Street, _____ feet distant from the corner of . _____ Street
and are known as No _____ Street.

DESCRIPTION OF PROPOSED/ EXISTING BUILDING

1. Size of building _____ front _____ feet deep.
Height _____ stories: _____ feet
2. Occupancy or use: (of each floor) _____
4. Date of erection (only if already existing) _____
5. Has there been a previous petition concerning the affected premises? _____
6. Description of proposed work and/or use: _____

7. The reasons upon which I base my petition are as follows:

Date

Signature of owner or agent

TOWN OF WORTHINGTON, MASSACHUSETTS

BOARD OF APPEALS

PO Box 247
Worthington MA 01098

Abutters List

List of property owners notified in connection with public hearing on the petition of

_____ relative to obtaining desirable relief from the Zoning Act of the Town of Worthington as established by the Protective Zoning Bylaws.

List certified on _____ (Date) by _____ Board of Assessors

OWNER	PROPERTY AFFECTED Assessor's Map and Lot Number	LEGAL ADDRESS OF OWNER
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
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14.		
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18.		