



TOWN OF HOPKINTON

OFFICE OF
BOARD OF APPEALS

TOWN HALL
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HOPKINTON, MASSACHUSETTS 01748-3209
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Appeal of Administration Decision

Under MGL c. 40A s. 8, Hopkinton Zoning By-Law 210-146 & General By-Law 125-5

The undersigned hereby appeals to the Board of Appeals for the Town of Hopkinton to grant relief for the reasons hereinafter set forth and in accordance with the applicable provisions of the General and Zoning By-laws pertaining to the herein described premises.

Appellant(s): _____ Address: _____

Owner(s) of Record: _____ Address: _____

Address of Premises: _____ Hopkinton, MA 01748

Registry Book/Page: _____ Land Court Certificate: _____

Tax Assessors Property ID No: _____ Map: _____ Block: _____ Lot: _____

Where indicated, please place an "X" in the appropriate boxes (). Answer all questions.

Preliminary Questions

1. Is Appellant the owner of record of the subject premises? Yes No
2. Attach a copy of the recorded deed to the premises. Attached? Yes No
3. Did the Board of Appeals previously grant a Special Permit or Variance with respect to the premises? Yes No

If yes, attach a copy of the recorded instrument(s) on file at the Middlesex Registry of Deeds.
Attached? Yes No

4. In which Zoning District is the premises located? _____
Check if overlay also applicable: Wetland Floodplain Historic

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5. Are all real estate taxes and other assessments to the Town current and not in arrears?
Yes No If no, provide an explanation as an attachment.
6. Attach a statement that details the present use of the property. Be specific. If the lot is currently vacant, specify former use, if any, on the lot. Attached? Yes No
7. A. Is there a pre-existing non-conforming use on the property? Yes No
B. Is the lot undersized not meeting existing area requirements? Yes No
C. Does the lot fail to meet the existing frontage requirements? Yes No
D. Is there a structure on the lot that does not meet current set back requirements?
Yes No
- If you answer "Yes" to any question, then please complete "Supplemental Information for Pre-existing Non-conforming Uses and Structures."
Attached? Yes No
8. Have you discussed your project with the Director of Municipal Inspections? Yes No
9. Have you discussed your project with the Planning Board? Yes No
10. Will your project be subject to site plan review by the Planning Board? Yes No
11. Have you discussed your project with the Conservation Commission? Yes No
12. Will your project be subject to an Order of Conditions from the Con Com? Yes No
13. The Board of Appeals has jurisdiction to hear appeals of written decisions by the Director of Municipal Inspections / Zoning Enforcement Officer, Planning Board, and the Historical Commission. Is the decision to which you are appealing in writing? Yes No ¹
If yes, specify the date of the decision _____ - _____-200____.
14. Will the Appeal be filed with the Office of Town Clerk within thirty days of the date of the written decision? Yes No ²

**Appeal of Decision(s) of Director of Municipal Inspections /
Zoning Enforcement Officer**

15. Are you appealing a written decision(s) of the Director of Municipal Inspections / Zoning Enforcement Officer? Yes No

If yes, complete Questions 16 to 19. If no, skip to Question 19 (not 20).

¹ If you answered "No" to Question 13, --- **STOP !** You have no decision that may be appealed. For a valid appeal to exist, the underlying decision must be in writing.

² If you answered "No" to Question 14, consult with an attorney. It may be too late to file a timely appeal.

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16. Reference the section of the Hopkinton zoning by-law for each appellate issue:

1: 210- _____ 2: 210- _____ 3: 210- _____
4: 210- _____ 5: 210- _____ 6: 210- _____

Please review the Hopkinton Zoning By-laws. If more than six, attach list on separate paper.

17. Why are you filing this appeal?

Attach a statement that specifically includes the basis for your appeal and why you believe the Board of Appeals should overturn the decision of the Director of Municipal Inspections / Zoning Enforcement Officer. Be specific. State all pertinent facts and site appropriate case law, if known.³ Be sure to also attach a copy of any and all correspondence to or from the Director of Municipal Inspections / Zoning Enforcement Officer. Attached? Yes No

18. What relief do you request if your appeal is upheld?

Attach a statement that specifically includes your objectives and what relief should be granted by the Board of Appeals. Be specific. Attached? Yes No

19. Does your appeal include a request of relief from a determination by the Director of Municipal Inspections / Zoning Enforcement Officer that a plan approved by the Planning Board constitutes a “material departure” from a plan included as a condition of a Special Permit or Variance granted by the Board of Appeals? Yes No

If yes, answer “Yes” to Questions 20 and 21 in the Site Plan Review section and complete Questions 22 and 23. If no, continue to Question 20.

Appeal of the Planning Board under Site Plan Review

20. Are you appealing a decision of the Planning Board under Site Plan Review? Yes No
If yes, complete Questions 21 to 23. If no, skip to Question 24.

21. Does your request for relief include modification of a Special Permit or Variance if necessary to reconcile the plan approved by the Planning Board versus the plan included as a condition of a Special Permit or Variance? Yes No

22. Why are you filing this appeal?

Attach a statement that specifically includes the basis for your appeal and why you believe the Board of Appeals should overturn the decision of the Planning Board. Be specific. State all pertinent facts and site appropriate case law, if known.⁴ Be sure to also attach a copy of the site plan subject to the appeal, along with any and all correspondence from the Planning Board, Director of Municipal Inspections, Conservation Commission and Board of Health. Attached? Yes No

³ Appeals often involve interpretation of complex zoning by-laws and case law. If necessary, retain an attorney.

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23. What other relief do you request if your appeal is upheld?
 Attach a statement that specifically includes your objectives and what relief should be granted by the Board of Appeals. Be specific. Attached? Yes No

Appeal of a Decision(s) by the Historic Commission - Demolition Permit

24. Are you appealing a decision(s) of the Hopkinton Historic Commission or the Director of Municipal Inspections pursuant to Hopkinton General By-law 125-5 with respect to a Decision pertaining to a request for a demolition permit? Yes No
 If yes, complete Questions 25 to 26. If no, skip to Question 27.

25. Why are you filing this appeal?
 Attach a statement that specifically includes the basis for your appeal and why you believe the Board of Appeals should overturn the decision of the Historic Commission. Be specific. State all pertinent facts and site appropriate case law, if known.⁵ Be sure to also attach a copy of any and all correspondence from the Historic Commission, Planning Board, Director of Municipal Inspections, Conservation Commission and Board of Health. Attached? Yes No

26. What relief do you request if your appeal is upheld?
 Attach a statement that specifically includes your objectives and what relief should be granted by the Board of Appeals. Be specific. Attached? Yes No

Calculation of Filing Fee & Filing Information

27. Calculation of filing fee. Please complete the following to calculate the filing fee.

Indicate type of Appeal by placing an X in the appropriate box, and fill in filing fee.
 Check all that apply.

<u>Type of Appeal</u>		<u>Filing Fee</u>
<input type="checkbox"/>	Appeal of a Decision of the Director of Municipal Inspections / Zoning Enforcement Officer – Filing Fee: \$250.00	\$ _____
<input type="checkbox"/>	Appeal of a Decision of the Planning Board under Site Plan Review – Filing Fee: \$250.00	\$ _____
<input type="checkbox"/>	Appeal of a Decision of the Historic Commission for Demolition Permit – Filing Fee: \$250.00	+ \$ _____
Total Filing Fee Required with this Appeal		= \$ _____

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28. Did you obtain a list of abutters from the Town Assessors Office,
along with two sets of mailing labels for each abutter? Yes No

29. Did you have the list of abutters certified by the Office of Town Clerk and attach that
certified list of abutters to this Appeal? Yes No

30. Did you also attach two sets of mailing labels for each abutter? Yes No

31. Are you submitting plans to the Board of Appeals in support of your Appeal?
Yes No

If yes, you must submit 1 extra copy of the plan reduced to 8½" x 11" in addition to the copies of the
plans submitted with the original and copies of your Appeal. You may request that your
engineer e-mail a plan in an Adobe Acrobat pdf file to ZBAClerk@Hopkinton.org.

Is extra Plan attached? Yes No Is extra Plan to be e-mailed by engineer? Yes No

32. Did you enclose a check for the total reflected in Question 27? Yes No

Note: All checks are payable to the "Town of Hopkinton". Upon receipt of your appeal, the Clerk of
the Board of Appeals shall determine if the filing fee is correctly calculated. If additional filing fees
are due, you shall be contacted. All filing fees must be paid in full prior to the first public hearing.
Do you understand and agree to your responsibility in this regard? Agree Initial: _____

33. Upon receipt of your application, the Board of Appeals shall determine if it is necessary to
retain one or more outside consultants to render assistance and advice to the Board. If the
Board so determines, it shall impose an additional consultant review fee and you shall be
contacted. All consultant review fees must be paid in full within ten (10) days of your
receipt of notice of imposition of the review fee. Failure to pay this consultant review fee
may result in denial of an Appeal. Do you understand and agree to your responsibility in
this regard? Agree Initial: _____

34. You shall receive a billing statement directly from MetroWest Daily News for publication of
the Notice of Public Hearing associated with this filing.⁶ You must pay this expense directly
to the newspaper at least 5 business days prior to the date of the public hearing. Failure to
make timely payment to the newspaper may result in denial of your Appeal.
Do you understand and agree to your responsibility in this regard? Agree Initial: _____

Informational Survey Questions

32. Did you review the Board of Appeals General Filing Instructions and obtain a copy of the
Zoning By-laws before completing this application?
Yes No

33. Did you review the Questions / Answers section of the Board of Appeals web site
at www.Hopkinton.org/government/zba before completing this application?
Yes No

⁶ Costs of publication in the newspaper generally run from \$250.00 to \$350.00.

