



TOWN OF HOPKINTON

OFFICE OF BOARD OF APPEALS

TOWN HALL
18 MAIN STREET - 3RD FLOOR
HOPKINTON, MASSACHUSETTS 01748-3209
(508) 497-0012

WEB SITE
WWW.HOPKINTONMA.GOV

E-MAIL
ZBA@hopkintonma.gov

Uniform Application for Special Permit / Petition for Variance Under MGL c. 40A s. 9, 9A, 10

The undersigned hereby applies to / petitions the Board of Appeals for the Town of Hopkinton to grant relief consisting of a Special Permit and/or Variance for the reasons hereinafter set forth and in accordance with the applicable provisions of the Zoning Bylaw pertaining to the herein described premises.

Applicant(s) / Address: _____
Petitioner(s): _____

Owner(s) of Address: _____
Record: _____

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 Applicant / Petitioner the owner of record of the subject premises? Yes No
2. Attach a copy of the recorded deed to the premises. Attached? Yes No
If the deed refers to any covenants and/or restrictions that affect the subject premises, attach a copy of the covenants and/or restrictions. Attached? Yes No
3. Did the Board of Appeals previously grant a Special Permit or Variance with respect to the premises? Yes No
Has the Planning Board previously granted a Special Permit with respect to the premises? Yes No

If the answer is yes to either question, 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: Water Resources Protection Floodplain
Hotel Open Space Mixed Use Development Historic District

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 Dir. of Municipal Inspections? Yes No

9. Has a building permit been denied or refused? Yes ¹ No
If yes, please attach copies of your application for building permit and the Director's response.
Attached? Yes No

10. Have you discussed your project with the Planning Board? Yes No

11. Will your project be subject to site plan review by the Planning Board? Yes No
If a Decision of Site Plan Review has been issued for the proposed project or a prior project on the subject premises, attach a copy. Copy attached? Yes No

12. Have you discussed your project with the Conservation Commission? Yes No

13. Will your project be subject to an Order of Conditions from the Con. Comm.? Yes No
If an Order of Conditions has been issued for the proposed project or a prior project on the subject premises, attach a copy. Copy attached? Yes No

14. If the property is the subject of any applicable decision or permit issued by a Town of Hopkinton entity which is not included in questions 1 through 13, please attach copies of those decisions. Copy attached? Yes No

¹ Note: The filing of a Uniform Application for Special Permit / Petition for Variance does not constitute a MGL s. 40A s. 8 appeal of a determination of the Director of Municipal Inspections / Zoning Enforcement Officer.

Special Permits

15. Are you applying for one or more Special Permits? Yes No
If yes, complete Questions 16 to 18. If no, skip to Question 19.

16. How many Special Permits are you applying for? Specify number of permits requested (_____) and reference the Hopkinton zoning bylaw section for each permit requested:

1: 210-_____
4: 210-_____

2: 210-_____
5: 210-_____

3: 210-_____
6: 210-_____

Please review the Hopkinton Zoning Bylaws. If more than six, attach list on separate paper. Complete the appropriate sections in Question 25 to determine filing fees for Special Permits.

17. Have you included a request for relief from side or rear set back dimensional requirement under § 210-119? Yes No If yes, answer "Yes" to Question 22 in the Variance section and complete the dimensional requirement section (A, B, C) of Question 22, then complete Question 18.

18. Why are you applying for a Special Permit?
Attach a statement that specifically includes your objectives and why you believe the Board of Appeals should grant the relief you request. Be specific. Attached? Yes No

Variances

19. Are you applying for one or more Variances? Yes No
If yes, complete Questions 20 to 24. If no, skip to Question 25.

20. Specifically, from which Zoning Bylaw do you seek relief? Specify number of variances requested (_____) and reference the Hopkinton zoning bylaw section under which relief is requested:

1: 210-_____
4: 210-_____

2: 210-_____
5: 210-_____

3: 210-_____
6: 210-_____

Please review the Hopkinton Zoning Bylaws. If more than six, attach list on separate paper. Complete the appropriate sections in Question 23 to determine filing fees for Variances.

21. Are you applying for one or more "Use" variances?² Yes No

22. Are you applying for one or more "Dimensional" variances? Yes No
For all requests for dimensional variances, provide the following information:

² Review the Uniform Instructions for explanation of difference between "use" and dimensional" variances.

	(A)	(B)	(C)
<u>Dimensional Requirements</u>	<u>Required Under Current Bylaw</u>	<u>Proposal for Structure</u>	<u>Requested Relief³</u>
Area	_____	_____	_____
Lot Coverage	_____	_____	_____
Frontage on Way	_____	_____	_____
Setback from Street	_____	_____	_____
Setback from Side Lot ⁴	_____	_____	_____
Setback from Rear Lot ⁵	_____	_____	_____

** Note: the figure in column C will be negative if a variance is required. **

23. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?
 Attach a statement which specifically includes your objectives and why you believe the Board of Appeals should grant the relief you request. Be specific. Attached? Yes No
24. How do you meet the minimum requirements for a Variance under Zoning Bylaw section 210-152?
 Attach a statement which specifically includes why, owing to conditions (soil, shape, or topography) especially affecting the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning Bylaw would result in a **substantial hardship** to you.⁶
 Attached? Yes No

Calculation of Filing Fee & Filing Information

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

<u>Special Permits</u>		<u>Filing Fee per</u>	
<u>Zoning Bylaw</u>	<u>Description</u>	<u>Type of Permit</u>	<u>Filing Fee</u>
210-07	RA Uses	\$500	\$
210-10	RB Uses	\$500	\$
210-13	RLF Uses	\$500	\$
210-16	A Uses	\$500	\$
210-19	B Uses, except residences	\$1,000	\$
210-19	B Uses, residences	\$250	\$
21-20.3	BD Uses	\$250	\$
210-24	BR Uses	\$250	\$
210-35	IA Uses	\$1,000	\$
210-37.9	IB Uses	\$1,000	\$
210-40	P Uses	\$1,000	\$
210-53	Floodplain District	\$250	\$
210-70	WRPOD Uses	\$1,500	\$
210-91	Adult Uses	\$1,500	\$
Article XVI	Wireless Communications Facilities	\$1,500	\$
210-119	Setbacks (Side, Rear)	\$100	\$
210-125	Residential Conversions	\$250	\$

³ Requested relief is required dimension less proposed dimension. Therefore A – B = C (negative #)
⁴ Relief from side set back requirements is also available through a Special Permit under 210-119.
⁵ Relief from rear set back requirements is also available through a Special Permit under 210-119.
⁶ Failure to adequately explain and document “substantial hardship” is fatal to a Petition for Variance.

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210-126	Accessory Dwellings	\$250	\$
210-126.2	Duplexes	\$500	\$
Article XIX	Nonconforming Lots, Uses and Structures	\$250	\$
210-180 B	Signs	\$250	\$
Article XXX	Wind Energy Systems	\$500	\$
All other	All other Special Permits	\$500	\$
A. Filing Fee Required with this Application for Special Permit(s)**			\$ <u> </u> A
** Enter ONLY the Highest Special Permit Filing Fee regardless of the number of permits requested			

<u>Variances</u>	
B. Filing Fee Required with this Petition for Variance⁷	+ \$ <u> </u> B
All Use & Dimensional Variances (<i>street, side, rear set backs, area, etc.</i>) are \$500	
** Enter ONLY \$500 as filing fee for 1 or more Variances **	

C. Total Filing Fee Required with this Application / Petition	= \$ <u> </u> C
Add Special Permit Filing Fee (line A) to Variance Filing Fee (Line B) for Total Filing Fee (Line C)	

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

27. Did you have the list of abutters certified by the Town Assessors Office and attach that certified list of abutters to this Application/Petition? Yes No

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

29. Every Application/Petition shall be accompanied by the following plans. All plans shall include a title block containing the property address and/or project name, and shall be dated.

- a) A locus plan sufficient to identify the subject premises and those immediately adjacent to it. All structures within 50 feet of the property line located on other property shall be shown, with the distance to the property line of the subject premises noted.
- b) A plan of the subject premises with lot dimensions, the location of all existing structures, and existing setback distances shown. Include other information relevant to the particular application, such as location of wetland buffer zones, driveways, parking lots, septic systems, steep topography, etc.
- c) A plan showing all structures and modifications proposed on the subject premises, whether or not Board of Appeals relief is required. Proposed setback distances shall be noted.
- d) If new structures are proposed, elevation drawings of all sides of the proposed structure(s), with dimensions, including height, noted.

All plans and drawings shall be to-scale and clearly legible. All plans shall be provided on paper and electronically, in pdf format, either via email to zba@hopkintonma.gov or on a CD. Are the required plans attached? Yes No

⁷ Relief from side and rear set backs is available via Special Permit per Zoning Bylaw 210-119 or via Variance.

30. Did you enclose a check for the total reflected in Question 25? Yes No
Note: All checks are payable to the "Town of Hopkinton". Upon receipt of your application, 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: _____
31. 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 Application / Petition. Do you understand and agree to your responsibility in this regard? Agree Initial: _____
32. You shall receive a billing statement directly from MetroWest Daily News for publication of the Notice of Public Hearing associated with this filing.⁸ 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 Application / Petition.
Do you understand and agree to your responsibility in this regard? Agree Initial: _____

Informational Survey Questions

33. Did you review the Board of Appeals General Filing Instructions and obtain a copy of the Zoning Bylaws before completing this application?
Yes No
34. Did you review the Questions/Answers section of the Board of Appeals web site at www.hopkintonma.gov before completing this application?
Yes No

Certification and Required Signatures

*The original Uniform Application for Special Permit / Petition for Variance, with ten (10) complete copies,⁹ must be filed with the **Office of Town Clerk** with the certified list of abutters, labels, and copy of the deed. Plans are required to be submitted in support of the Application / Petition. No Application / Petition will be accepted unless it shall be properly signed by all Applicant(s) / Petitioner(s) and Owner(s) of Record, completely filled out (use additional sheets if necessary) with all accompanying plans and/or documents and accompanied with the appropriate filing fee payable to the Town of Hopkinton. Failure to pay the filing fee, consultant review fee, answer all questions, or file a complete Application / Petition shall constitute sufficient grounds to reject or deny the Application / Petition with prejudice.*

⁸ Costs of publication in the newspaper generally run from \$250.00 to \$350.00.

⁹ For a total of 11 complete Applications /Petitions, plus an electronic copy of the plan.

I (We) hereby certify that I (we) have read the Board of Appeals General Filing Instructions and that the statements within my Application / Petition and attachments are true and accurate to the best of my (our) knowledge and belief.

X _____
1. Signature(s) of Applicant/Petitioner Date _____ Telephone Number _____
{Required Signature by All Applicants / Petitioners}

Fax Number _____ e-mail Address _____

X _____
2. Signature of Owner(s) of Record Date _____ Telephone Number _____
{Required Signature by All Owners of Record}

Fax Number _____ e-mail Address _____

Note -Signatures of Applicant(s)/Petitioner(s) and Owner(s) of Record are required.

If Applicable:

Name of Attorney for Applicant/Petitioner _____ Address of Attorney - Line 1 _____

Phone Number of Attorney _____ Address of Attorney - Line 2 _____

Fax Number of Attorney _____ e-mail Address of Attorney _____