



TOWN OF NORTHBRIDGE
ZONING BOARD OF APPEALS
ALDRICH SCHOOL TOWN HALL ANNEX
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**INSTRUCTIONS TO APPLICANTS & RULES OF PROCEDURE
OF THE NORTHBRIDGE ZONING BOARD OF APPEALS**

1. No application or petition seeking relief from the Board will be accepted unless accompanied by a check in the amount of **\$250.00 made payable to the "Town of Northbridge"**.
2. All applications or petitions for variances, special permits, or appeals from decisions or orders of the Inspector of Buildings or other officer or Board of Northbridge must be filed with the Town Clerk. **An original and twelve (12) copies of all applications or petitions as well as all accompanying plans or documents must be submitted to the Town Clerk along with the check for \$250.00.**
3. All questions on the application form must be answered. Failure to answer any questions may result in rejection or denial of the application or petition.
4. A copy of the following must accompany each filing:
 - A. **Town of Northbridge Tax Map** showing the subject property, the land immediately abutting said property and all parcels next adjoining the land of the of the immediate abutters (may be obtained in the Assessor's Office).
 - B. **A plot plan of the property** drawn to accurate scale, with all dimensions accurately marked and north directional arrow properly oriented and including all existing or proposed buildings, with their locations on the plot. The names of owners of abutting property should be shown also. Said plan shall show, to within a tolerance of 2 feet more or less, the nearest side of any and all structures, wells, and leach fields on adjacent properties within 50 feet of the subject lot. Pertinent and/or restrictive topographical features should be shown (i.e., ledge, wetlands) as well as right of ways, utility easements, and all other unusual conditions. If applicable, dimensional areas for vehicular parking, driveways, for open space and/or recreation must be shown.

CONDITIONS TO BE MET

Before making formal application for a **VARIANCE** from the Town of Northbridge Zoning By-laws, you the applicant must be aware of the conditions that must be met before the Zoning Board of Appeals may act favorably upon your request.

1. Unique circumstances exist relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures, but not affecting generally other parcels within the zoning district.

EXAMPLE: A ledge or rock condition exists upon your property which does not allow you to construct within the conformity of the By-law. Unusual soil conditions will not justify a variance if they are shared throughout the zoning district.

2. A literal enforcement of the provisions of the ordinance or By-law would involve substantial hardship, financial or otherwise, to the petitioner. The financial hardship described is insured to all owners of the land as a result of its unique conditions, not merely to the present owner owing to his peculiar personal or financial status.

A variance may be based only upon circumstances which directly affect the real estate, and not upon circumstances which cause personal hardship to the owner. Financial hardship, by itself, is not reason for granting a variance. Loss of profits on a possible resale is not a hardship. The fact that the applicant is unable to put the premises to a more profitable use (i.e., by the construction of a multi-family dwelling in a Residential-1 zoning district) is not an adequate cause for granting a variance.

3. A variance may be granted without substantial detriment to the public good. For example, excess traffic would not result by the granting of the variance, or that the rights of your neighbors would not be infringed upon.
4. The variance cannot substantially derogate from the intent and purpose of the By-law. Varying a front yard setback from 30 feet to 10 feet would be in most instances, substantial derogation from the intent and purpose of the Town of Northbridge Zoning By-law.

Your presentation before the Board should specifically relate to all above pre-requisites. If in doubt, contact an attorney before filing your appeal. If your appeal is denied, then you may have to wait two (2) years before reapplying. It is best to be fully prepared at the time of the hearing.

If the Board finds that all of the conditions set forth in General Laws Chapter 40A, Section 10 are satisfied, it may in its discretion grant a variance. But even under those circumstances, the law does not confer upon the landowner any legal right to a variance.

In the case of a **SPECIAL PERMIT** the following points, based on Massachusetts General Laws, Chapter 40A, should be clearly identified and factually supported.

1. The particular type of use proposed for the land structure, if any.
2. The conditions and character of operations of the proposed uses which show that it will be in harmony with the general purpose and intent of the district and the By-law.
3. The nature of the proposed use in relation to both the general and specific provisions of Zoning By-law.

POLICIES AND ADVICE

It is strongly recommended that all new appeals, petitions, and applications be first reviewed with the Building Inspector to assure their correctness, completeness and clarity. Any advice, opinion, or information given by any Board member or any other official or employee of the Town shall not

be binding on the Board. Because of the problems caused by individuals appealing personally to members of the Board, it is declared to be the policy of the Board to discourage any such appeals.

Do not attempt to discuss the merits of your case with any member of the Zoning Board of Appeals at any time after filing this application prior to the public hearing thereof.

The Board regularly meets the second Thursday of each month. Applications will be heard as soon as possible after proper newspaper advertising and notification of other appropriate Town Boards.

CONDUCT OF HEARING

1. The Chairman of the Board of Appeals shall conduct the hearing.
2. After opening the Hearing, the Chairman shall read any recommendations from other recommendations from other Town Board or agencies. The Chairman may then, in his discretion, read any written comments received from other interested parties.
3. The Secretary shall record the names and addresses of all interested parties present at the hearing. No person shall address the Board unless and until he or she has been identified for the record.
4. The petitioner and/or his attorney shall then present evidence in support of the application, including any testimony. Upon completion of the petitioner's presentation, members of the Board will be given an opportunity to question the petitioner. The abutters and other interested parties will then be afforded an opportunity to be heard.
5. Before the commencement of any Hearing, the Chairman may remove himself from voting on the petition and designate a duly appointed alternate member to act in his stead. The Chairman may still conduct the hearing.

These instructions are part of the Rules & Regulations that the Board operates under. For more details see "Rules & Regulations" of the Town of Northbridge Board of Appeals and the "Zoning Act" Massachusetts General Laws, Chapter.