



Joseph C. Sullivan  
Mayor

## Department of Planning & Community Development Zoning Board of Appeals

1 JFK Memorial Drive  
Braintree, Massachusetts 02184

### ZONING BOARD OF APPEALS BRAINTREE, MASSACHUSETTS

#### *INSTRUCTIONS FOR FILING APPLICATIONS*

#### **Please read entire package before submitting application to the Planning Department**

All application packages must be received at least thirty (30) days prior to the next scheduled Zoning Board of Appeal (ZBA) meeting. Meetings are scheduled on the 4th Monday of the month and begin at 7:00 P.M. (Notices will be mailed with correct time and date).

#### **Materials needed to apply for variance or finding**

- Completed ZBA Application
- Certified Abutters List
- Two (2) sets of stamped envelopes addressed to the Certified Abutters List (*Please do not put return address on envelopes, as Town will do that*)
- Copy of the latest Tax Bill (*If applicant is new to the property and has not yet received a tax bill, a copy of the purchase and sales agreement may be substituted*)
- Ten (10) copies of plans and documents (*see Required Plans & Documents*)
- Completed Zoning Computation Form/Table
- Check for made payable to "Town of Braintree" (*see ZBA Fee Schedule*)
- Completed Gatehouse Media New England advertisement agreement

#### ***For more information or questions, contact:***

##### **Jeremy Rosenberger**

Zoning Administrator  
Town of Braintree  
1 JFK Memorial Drive  
Braintree, MA 02184  
P: 781-794-8236  
E: jrosenberger@braintreema.gov

## ZBA Application

When completing the appeal application, please be sure to provide all required information and print clearly where required. It is important to indicate on the application what type of relief is being requested with this application in the form of a “Finding” a “Variance” or both.

**FINDING** – A “Finding” may be sought by a property whose “Use” is conforming, and any proposed extension or addition will not increase the existing non-conforming dimensional status i.e. the addition of a second floor over the existing dwellings footprint .

**VARIANCE** – A “Variance” is required to vary any provision of the Town Zoning Ordinances other than those covered by a “Finding” Please note that “Use Variances” are not allowed.

**BOTH** – There may be instances in which both a “Finding” and a “Variance” are required i.e. a vertical addition to a dwelling which does not conform to the setback requirements for its Zoning District but will not encroach beyond existing limits, however this same addition exceeds established height limits. In this instance a “Finding” would be needed to maintain present off sets to property lines and a “Variance” to vary the height limitations.

## Certified Abutters List

This list identifies all “Parties of Interest”, which means the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list

- The Certified Abutters List can be obtained from the Town Assessors Office, located on the first floor of Town Hall. Included with the Application Packet is a Certified Abutters List Request Form to be filled out and submitted at the Town Assessors office. *Please note that there may be a waiting period for this certification process.*
- When contacted by Town Assessors, please pick up abutters list and keep it together with the balance of the application material.

## Required Plans & Documents

**A.)** There shall be filed with every non-signage related ZBA petition for a finding and/or variance(s), ten (10) legible copies of the following plans:

### **CERTIFIED PLOT PLAN**

1. The plan shall be prepared and stamped by a Registered Land Surveyor or Registered Engineer;
2. Drawn to a scale of either 1 inch = 20 feet or 1 inch = 40 feet;
3. The plan shall include petitioner’s name, date of plan/survey, referenced plans, and the name of the person drawing the plan;
4. All street names, street lines and house numbers for the abutting properties;
5. Map and lot numbers, as shown on the Town of Braintree Assessor’s Plans, areas and boundaries, with dimensions.
6. Town of Braintree easements (sewer, drain, etc.);

7. In the case of lots located in Flood Plain/Watershed Overlay areas, documentation of all flood plain elevations, brooks, streams, wetlands and ponds;
8. The exterior shape of all existing structures, proposed structures, alterations or additions to existing structures, together with front, rear, and side yard dimensions, driveways, paved areas, and all off- street parking spaces, existing and proposed;
9. The zoning district of the lot in question and surrounding lots;
10. The plan shall include a zoning table depicting an existing and proposed analysis of the following (Zoning Computation form can be submitted instead of zoning table):
  - a) lot area, lot width, lot frontage, lot depth, front yard setbacks, side yard setbacks, rear yard setbacks, building height, stories, building coverage, lot coverage; and
  - b) If applicable, setbacks for any existing and/or proposed accessory structures (i.e. pools, sheds).
11. If the zoning relief is sought based on soil conditions or other physical condition of the land, the location and character of this condition must be shown on the plan (i.e. topography show in two-foot contour intervals, rock outcroppings located, etc.);

### **ARCHITECTURAL & FLOOR PLANS**

1. The plans shall be drawn to a scale of ¼ inch= 1 foot;
2. The plans shall consist of existing and proposed floor plans, and existing and proposed elevations of all sides;
3. Elevations shall provide existing and proposed building heights, pursuant to Braintree Zoning Bylaw Section 135-102; and
4. The plans shall have a title block containing the petitioner's name and address, the name and address of the person who prepared the plans, the date on which the plans were prepared, and the location of the property involved in the petition.

- B.)** There shall be filed with every signage related ZBA petition for a variance(s), ten (10) legible copies of the following plans:

### **SIGNAGE PLANS**

1. Drawings of Proposed Sign(s) indicating size, color, lettering, type of exterior materials, and illumination details (if applicable);
2. Location Plan:
  - a) Wall signs: drawings of building(s) showing the proposed location/placement of the sign(s) with appropriate scale; and
  - b) Ground signs: drawings or plot plan indicating location of proposed sign(s).
5. The plans shall have a title block containing the petitioner's name and address, the name and address of the person who prepared the plans, the date on which the plans were prepared, and the location of the property involved in the petition; and
3. Documentation that depicts the proposed site and surrounding properties and any existing signs on the property in question.

## ZBA Fee Schedule

| ZBA Petition Fee Schedule    |                     |
|------------------------------|---------------------|
| Residential                  | \$150 per unit/lot* |
| Commercial/Retail/Industrial | \$300**             |
| Signage                      | \$250***            |
| Appeal                       | \$150               |
| 40B                          | \$3,000****         |
| Wireless Communications      | \$1,000             |

\*max \$1500, additional \$150 for complete demolition/reconstruction;

\*\*additional \$50 per 1,000 g.f.a. (Max \$1500) of alteration/addition/reconstruction;

\*\*\*additional \$50 per sign;

\*\*\*\*additional \$100 per unit (see Comprehensive Permit Regulations)

## Filing Appeal

Once all required information necessary for filing the appeal is completed, deliver to:

Planning and Community Development Department  
Braintree Town Hall  
1 JFK Memorial Drive  
Braintree, MA 02184

- Office hours are 8:30 a.m. to 4:30 p.m. Monday – Friday. *Please note that all appeals must be received by no later than **12:00 noon** on the close out day listed on the appeal schedule in order to be heard by the Zoning Board of Appeal on the following months date. If the appeal application is incomplete or wrongfully advertised for any reason the application will be re-advertised and scheduled for the next ZBA hearing.*
- Once a completed appeal package is received by the Planning Department, the application will be reviewed by the Zoning Administrator and filed with the Town Clerks Office.
- Notice of the hearing describing the name of the applicant, address of property and intent of the appeal, along with date, time and location of the hearing will be sent to the applicant as well as all abutters by the Town. It is highly suggested that applicants contact those persons listed on the abutters list prior to the hearing to provide more specific information regarding their appeal.
- A legal notice of the hearing will also appear in the local newspaper. *Please note that the Town will arrange for this advertisement. However the applicant will be responsible for the cost of the advertisement which will be billed directly to the applicant by the newspaper.*

## Prior to ZBA Hearing

- Two weeks prior to the ZBA hearing, all ZBA applications go before the Town's Planning Board for review, resulting in a recommendation which is forwarded to the ZBA. Applicants are notified by the Planning Department as to the date, time and location of this Planning Board hearing. Applicants are encouraged asked to attend in the event the Planning Board requires further information from the Applicant prior to making their recommendation.

## **ZBA Hearing:**

- The applicant or an authorized representative must be present at the appeals hearing.
- During the appeals hearing, the applicant or authorized representative will be asked to appear before the ZBA and to describe in detail what is being sought by the appeal. Plans, photographs, letters of support and any additional materials may be submitted to the ZBA at this time for their consideration.
- After the applicant or authorized representative address the Board, those in attendance will be asked if they would like to speak in favor or opposition to the appeal, after which time the Board will discuss the appeal and render a verbal decision of either approval or disapproval of the appeal. Please note that if the Board disapproves the appeal no similar appeal may be made to the Board for a period of two years.

## **Following ZBA Hearing:**

- Once a verbal decision is made by the ZBA, a written decision, signed by the presiding ZBA members is prepared and filed with the Town Clerks Office no later than fourteen (14) days after the appeal hearing. This appeal is kept in the office of the Town Clerk for a period of twenty (20) days during which time any person aggrieved by the decision of the Board may file an appeal with the courts.
- After the twenty (20) day appeal period has expired, an applicant may obtain a certified copy of the appeal decision from the Town Clerks office. This decision must be filed at the Norfolk County Registry of Deeds, 649 High Street, Dedham, MA. Please note there is a recording fee charged by the Registry for recording this decision.
- In order to obtain a building permit following this process, a copy of the decision and proof of recording must be provided to the Building Division along with all other necessary Building Permit information. Questions regarding any portion of these instructions may be made to the Building Division at 781-794-8070.



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## ZONING BOARD OF APPEALS (ZBA) APPLICATION

Type or print clearly and file with all materials noted on instructions

CASE No: \_\_\_\_\_ (Office Use)

**1. Site Information** – (Assessors Maps w/Lot Numbers are available at the Building Department)

Property Address: \_\_\_\_\_ Map # \_\_\_\_\_ Lot # \_\_\_\_\_

Land Area: \_\_\_\_\_ sq. ft. Single Family \_\_\_\_\_ Other: (Describe) \_\_\_\_\_

Has any previous appeal been made? Yes \_\_\_\_\_ No \_\_\_\_\_ Case # \_\_\_\_\_

**2. General Information:**

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Tel. # ( ) \_\_\_\_\_ - \_\_\_\_\_ Fax # ( ) \_\_\_\_\_ - \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Appellant is: \_\_\_\_\_ Owner \_\_\_\_\_ Tenant \_\_\_\_\_ Purchaser \_\_\_\_\_ Attorney

\_\_\_\_\_ Other (Please Describe) \_\_\_\_\_

**A letter of authorization must be attached for ALL applicants who are NOT the property owner**

Owner Name (If different) \_\_\_\_\_

Owner Address (If different) \_\_\_\_\_

Tel # ( ) \_\_\_\_\_ - \_\_\_\_\_ Fax # ( ) \_\_\_\_\_ - \_\_\_\_\_

E-Mail Address \_\_\_\_\_



**5. Fee Schedule:** Fee's may be paid by personal check, treasurer's check or money order

**Appeal Petition Fee:** \$200.00 payable to the Town of Braintree  
**Legal Advertisement Fee:** As established by Gatehouse Media (Braintree Forum).  
For cost information please contact Gatehouse Media at:  
(781)-433-7959.

I hereby certify under the pains and penalties of perjury that the foregoing information contained in this petition are true and complete.

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE OF PROPERTY OWNER**

\_\_\_\_\_  
**DATE**

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED AND WILL BE RETURNED TO THE APPLICANT.**

**DO NOT WRITE BELOW THIS LINE**

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Property Zoning Designation: \_\_\_\_\_

Reason for Denial: \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF BUILDING INSPECTOR**

\_\_\_\_\_  
**DATE**



Department of Planning & Community Development  
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Braintree, MA  
www.braintreema.gov

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**ZBA Zoning Computation Form**

Property Address: \_\_\_\_\_  
Name of Applicant: \_\_\_\_\_  
Zoning District: \_\_\_\_\_ Assessor's Map No. \_\_\_\_\_ Plot No. \_\_\_\_\_

|                             | Existing | Proposed | Required |
|-----------------------------|----------|----------|----------|
| Lot Area Minimum            |          |          |          |
| Lot Width Minimum           |          |          |          |
| Lot Frontage Minimum        |          |          |          |
| Lot Depth Minimum           |          |          |          |
| Front Yard Setback          |          |          |          |
| Side Yard Setback           |          |          |          |
| Rear Yard Setback           |          |          |          |
| Max. Bldg. Height           |          |          |          |
| Max. Story Height           |          |          |          |
| Maximum Bldg. Coverage      |          |          |          |
| Maximum Lot Coverage        |          |          |          |
| Minimum Open Space          |          |          |          |
| Required Off-Street Parking |          |          |          |



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**ZONING BOARD OF APPEALS**  
**CERTIFIED ABUTTERS LIST REQUEST FORM**  
***ABUTTERS & ABUTTERS TO ABUTTERS WITHIN 300 FT.***

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Please provide the information below and bring to the Town Assessors Office, located on the first floor of Braintree Town Hall. The Certified Abutters List will identify all "Parties of Interest", which means the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list

**PROPERTY**

**ADDRESS:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**MAP & LOT #:** \_\_\_\_\_



**GATEHOUSE MEDIA NEW ENGLAND**  
COMMUNITY NEWSPAPER COMPANY  
PATRIOT LEDGER/THE ENTERPRISE  
HERALD NEWS FALL RIVER  
TAUNTON GAZETTE  
P.O. Box 9113  
NEEDHAM, MA 02492-9113

Date: \_\_\_\_/\_\_\_\_/20\_\_

I hereby acknowledge that the application I am submitting to the:

**TOWN OF BRAINTREE, MASSACHUSETTS**

- |  |  |
|--|--|
| <input type="checkbox"/> Zoning Board Of Appeals | <input type="checkbox"/> Planning Board                |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historic Districts Commission |
| <input type="checkbox"/> Other: _____            | <input type="checkbox"/> Town Council                  |

requires a notice of public hearing. Legal notices are currently submitted to the **BRAINTREE FORUM** for publication on the following date(s): \_\_\_\_/\_\_\_\_/20\_\_\_\_: \_\_\_\_/\_\_\_\_/20\_\_\_\_. (NOTE: The dates for submitting public notices are to be completed by the Town department with whom the application has been filed.)

I hereby acknowledge **responsibility for payment** of the required legal notice to **GateHouse Media New England**, d/b/a, **Community Newspaper Company Inc.**

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone:(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Original copy to Town, copy to customer and copy to Legal Dept of Paper with ad copy.**