James F. McGrail, Esq., Chairman
J. Gregory Jacobsen
Scott M. Steeves
E. Patrick Maguire
Jason L. Mammone, P.E.

JH Rumpp, Alternate
Jessica L. Porter, Alternate

Susan Webster
Administrative Assistant
781-751-9242
Fax 781-751-9225
swebster@dedham-ma.gov

ZONING BOARD OF APPEALS
26 Bryant Street
Dedham, Massachusetts 02026

APPLICATION FOR HEARING

Case # VAR-_____ Date of Application _____

Name of Applicant or Appellant _____

Address _____ Phone _____ Cell _____

E-Mail _____

Location of Property _____ Zoning District _____

Record Title stands in the name of _____

Whose address is _____ Map _____ Lot _____

By a deed duly recorded in the Norfolk County Registry of Deeds Book _____ Page _____

(or) Norfolk Registry of the Land Court Certificate # Book _____ Page _____

Applicant is: Owner ☐ Tenant ☐ Other ☐

NOTE: If the applicant is a tenant, a letter from the landlord is required

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Reason for Application: Building Permit Refused ☐ Variance ☐ Special Permit ☐
Planning Board Refusal ☐ Other (explain) _____

Nature of Applicant/Appeal: To be allowed _____

_____

_____

Statement of Hardship (why this should be approved) _____

_____

Applicable Section of Zoning By-Law: _____

*****SEVEN COPIES OF ALL MATERIALS, INCLUDING CERTIFIED PLOT PLANS, MUST ACCOMPANY THIS APPLICATION*****

*****INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED*****

If petitioner is to be represented at the hearing by someone other than himself, please complete the following:

Name _____ Occupation _____

Address _____

Telephone _____ Cell _____ E-Mail _____

REQUIRED FEES:

- **Filing Fee for Hearing: Residential $50.00 Commercial $175.00**
- **Advertising notice for two (2) weeks in the *DEDHAM TIMES* (see attached)**
- **Filing Fee for Registry of Deeds**
- **The Zoning Board of Appeals will issue a bill for photocopying fee (25 cents per page) if an adequate number of copies is not submitted. This must be paid prior to the hearing.**

Note: The applicant or his representative must submit proposed findings of fact and conclusions in the nature of a legal brief to the Board of Appeals on or before the date of the public hearing. Said finds of act and conclusions should be consistent with what the applicant intends to show at the public hearing, having in mind the legal requirements for granting relief sought. Numbered paragraphs presenting the ultimate facts – what is desired and why – will comply with this requirement.

The Zoning Board of Appeals is entitled to rely on this representation as being the full and complete statement of the applicant(s)/owner(s). Therefore, the undersigned certifies that the information provided on this application and any attached plans are a true and accurate representation of facts pertinent to the subject parcel of land.

Applicant's Signature _____ Date _____

Owner's Signature _____ Date _____

NOTE: Under Massachusetts General Laws, Chapter 40, Section 57, the Zoning Board of Appeals may withhold permits and approvals if an applicant has neglected to pay local taxes, fees, assessments, or other municipal charges.

Zoning Board of Appeals Petition Checklist

This checklist is provided as a means of ensuring that you have submitted all the information that is required for your petition. Please include one completed copy of this with your application.

ITEM	REQUIRED NUMBEROF COPIES	PROVIDED	OFFICE VERIFICATION
Application	7	☐	☐
Petition Statement (why you are coming before the Zoning Board of Appeals)	7	☐	☐
Abutters list form, completed	1	☐	☐
Dedham Times form, completed	1	☐	☐
Certified Plot Plan (required)	7	☐	☐
Additional Data:			
• Pictures of existing conditions	7	☐	☐
• Renderings of proposed conditions	7	☐	☐
• Letter of authorization from landlord or property owner (required)	7	☐	☐
• Signed petition from neighbors supporting your request (optional)	7	☐	☐
Check made payable to *Town of Dedham*	1	☐	☐

It is strongly suggested that, prior to filing with the Town Clerk's office, you should have the Administrative Assistant or the Town Planner review your petition.

NOTES:

- **Incomplete applications <u>will not</u> be accepted.**
- **The required number of copies <u>must</u> accompany your application.**
- **Certified plot plans are required.**
- **Landlords/property owners <u>must</u> submit a letter of authorization for the petition.**
- **Applications and payment are to be submitted to the Town Clerk, <u>not</u> the Planning/Zoning office.**

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ZONING BOARD OF APPEALS
APPLICATION FOR ABUTTERS LIST

MUST BE FILLED OUT BY APPLICANT

NAME OF APPLICANT _____

NAME OF OWNER _____

ADDRESS OF PROPERTY

_____ **MAP** _____ **LOT** _____

NAME OF LEGAL REPRESENTATIVE _____

PURPOSE FOR THE LIST _____

IS A TRACING OF THE SUBJECT PROPERTY BEING USED FOR THE ABUTTERS LIST?

YES / NO

***SEE NOTE BELOW IF ANSWER IS YES ***

IF THE ADDRESS OF THE SUBJECT IS USED, ALL CONTIGUOUS PARCELS UNDER THE SAME COMMON OWNERSHIP WILL BE CONSIDERED AS ONE PARCEL FOR THE PURPOSE OF DETERMINING THE ABUTTERS.

_____ _____

DATE **APPLICANT'S SIGNATURE**

THE TRACING SHALL BE ATTACHED TO THIS APPLICATION BEFORE IT IS PROCESSED.

ALL INFORMATION MUST BE FILLED IN BEFORE THIS APPLICATION IS PROCESSED.

APPLICATION WILL BE PROCESSED BY ASSESSORS' OFFICE WITHIN TEN (10) DAYS OF RECEIPT.

SCHEDULED DATE OF HEARING: _____

THE DEDHAM TIMES
395 WASHINGTON STREET
SUITE 1
DEDHAM, MA 02026
781-329-5553

TO: Dedham Times, Legal Ad Department

I hereby authorize ***THE DEDHAM TIMES*** to bill me **directly** for the LEGAL NOTICE placed by the TOWN OF DEDHAM published on _____ and _____ in the DEDHAM TIMES for the property located at:

_____
LEGAL ADDRESS

PRINTED NAME _____
CONTACT

SIGNATURE _____
CONTACT SIGNATURE

BILLING ADDRESS _____

CITY/TOWN _____

STATE _____ **ZIP CODE** _____

BILLING PHONE NUMBER _____

DAYTIME PHONE NUMBER _____

DATE OF HEARING _____

TIME OF HEARING _____

NOTE:

Advertising fees are determined by the Dedham Times, not the Town of Dedham.

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ZONING BOARD OF APPEALS

NOTICE FROM BUILDING DEPARTMENT TO APPLICANTS FOR ZONING BOARD OF APPEALS HEARINGS

The Building Department is available to assist you in determining whether or not you are required to go before the Zoning Board of Appeals. We will be glad to help you complete your application.

However, once you have filed your request at the Town Clerk's office, we have no further involvement until after the written decision is filed with the Town Clerk, the 21-day appeal period has expired, and you have filed the decision with the Registry of Deeds.

If you have any questions during your hearing process regarding your hearing date or receipt of the written decision, please contact the Zoning Board of Appeals administrative assistant, Susan Webster, at 781-751-9242 or swebster@dedham-ma.gov.

Thank you.

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ZONING BOARD OF APPEALS

RULES AND REGULATIONS
FOR APPLICATIONS AND HEARINGS

APPLICATIONS

- Applications for hearings are available from the Dedham Building Department and the Planning Board. **SEVEN (7)** completed applications must be filed with the Town Clerk, who shall affix a date stamp thereon.

- When preparing an application, the applicant shall state thereon all sections of the Zoning by-Law which apply to the relief requested. ***The burden of correctly noting all applicable sections of the by-law shall be upon the applicant.*** The Zoning Board of Appeals cannot give relief, under law, for requests that are not argued or proposed. The applications should also indicate whether or not the parcel is a non-conforming use, the parcel was subject to a prior hearing before the Zoning Board of Appeals, and the zoning district within which the parcel is located.

- The Clerk of the Zoning Board of Appeals will review all applications for completeness. ***Any application that is not complete or does not conform to these rules shall be returned and corrected or completed before filing with the Dedham town clerk.***

- ***In the event said application is filed with the Dedham Town Clerk and is not complete or correct, such application will be held in abeyance by the Zoning Board of Appeals until reviewed by the Zoning Board of Appeals Clerk. In this case, a new application will be prepared and if complete, will be time stamped by the Town Clerk.***

- The Zoning Board of Appeals will advertise in a local newspaper with general circulation throughout the Town, ***at the applicant's expense***, for two weekly insertions of the Notice of Hearing, wherein a copy shall be forwarded to the applicant and each abutting owner of record within a 300-ft radius of the parcel in issue, in accordance with the requirements of M.G.L. Chapter 40A, Section 11.

- Upon submission of the application, the applicant shall pay the filing fee in effect, payable to the Town of Dedham. This fee shall be non-refundable unless the Zoning Board of Appeals votes to permit a withdrawal of the application, prior to the hearing being advertised. The applicant shall also pay a filing fee at the Norfolk County Registry of Deeds or Land Court, as required by law, when the Zoning Board of Appeals decision is filed.

Fee Schedule *

Residential	**$ 50.00 per application**
Commercial	**$175.00 per application**

***Subject to change by the Zoning Board of Appeals**

REQUIREMENTS

- **The applicant, if filing for a dimensional variance, shall submit *SEVEN (7) COPIES* of a plot plan, drawn to scale, (not less that 40' = 1", and on 8.5" X 11" paper minimum) noting thereon any and all structures, square footage of coverage, lot size, front, rear and side dimensions and setbacks, easements, height, means of access, number and location of parking spaces and plans (specifications) for work being proposed. If new construction, a drawing of the building or dwelling would be helpful.**

- **For commercial applications for business uses in appropriate zoning districts, the applicant is required to file site plans, traffic studies, if appropriate, parking lot layout, architect's drawings, legal memoranda supporting the application, and any other pertinent information to support the application. *AT LEAST TEN COPIES* of these documents should be submitted to permit dissemination to other Town of Dedham Boards and Committees for their review as required by the Zoning By-Law.**

ALL materials and forms listed above MUST be completed and submitted or a hearing cannot be scheduled.

HEARINGS

- Hearings are conducted at the Dedham Town Hall, usually on a Wednesday evening. Agendas are posted across the hall from the Town Clerk's office, outside the back door of the Town Hall, outside the Planning/Zoning office, and on the Town of Dedham Website. All hearings are conducted in accordance with the Open Meeting Law, and are informal. The Chairman of the Zoning Board of Appeals conducts the hearing, and attendees are allowed to speak. The Chairman has the authority to control the debate in the interest of time and repetition. All those with an interest in the outcome are allowed to comment on the proposal. All evidence presented at the hearing is recorded and becomes part of the decision of the Zoning Board of Appeals.

- All applicants are expected to be familiar with the section(s) of the Zoning By-Law that affect their case. Applicants are expected to be present at the hearing and to prepare their case in an organized and coherent manner. Visual aids and expert opinions are recommended for complex cases.

- Employment of an attorney or agent is recommended for complex cases, but is not required. Anyone who has problems with the English language may want to authorize someone to speak for them, in order to prevent confusion.

- Any person who intends to speak shall, prior to making any statement, fully disclose his/her interest, if any, in the application. All speakers will be asked to state their name and address for the record. All questions to an applicant will be asked through the Chairman.

- All preparations for hearings are coordinated by the Administrative Assistant of the Zoning Board of Appeals, Susan Webster, with assistance, as required, from the Clerk and Chairman. She may be reached at the Planning Board Office at (781) 751-9240 or by e-mail at swebster@dedham-ma.gov.

MISCELLANEOUS

- All applications for boundary changes that must be recorded in the Registry of Deeds require a plan prepared by a Registered Professional Engineer or a Registered Land Surveyor.

These Rules and Regulations cancel any prior Rules and Regulations, and become effective January 1, 1995. Copies of these rules will be provided with the application in the Dedham Building Department.

Copies of the Dedham Zoning By-Laws may be purchased at the Building Department or the Planning Board.

Adopted March 13, 1995

FREQUENTLY ASKED QUESTIONS

Why do I have to submit so many copies with my application?

Each member of the Zoning Board of Appeals is given his/her own copy of your application, usually three or four days prior to the hearing. This enables him/her to review your application and the materials you submit prior to your appearance before the Board. By having the application and the information, he/she can study it and make the proper decision. In addition, the Building Department received a copy of all materials once a decision has been rendered. If you do not present the required number of copies, your application will be returned and your hearing will not be scheduled, or you will be issued a bill for photocopying fees (25 cents per page).

Why do I have to submit a certified plot plan with my application? Where do I get one?

Certified plot plans enable the Board to determine exactly what the boundaries of the property are and exactly what relief you can be given. A mortgage plan is not specific enough. You may obtain a certified plot plan (at your own expense) from an engineering firm.

Why does my landlord have to submit a letter?

Because the land is not your property, a landlord must give approval for anything that is done. He is the legal owner of the property and must be in agreement with what you request.

Why do I have to provide the applicable section of the By-Law? Where can I find that information?

It is your responsibility to know what part of the Zoning By-Law pertains to your request. It is not the responsibility of the Board to know what relief you are requesting. The Building Department can furnish you with the proper section of the By-Law pertaining to your request. In addition, copies of the Town of Dedham Zoning By-Law may be purchased at either the Building Department or the Planning Board for $15.00. The Zoning By-Law may also be downloaded from the Town of Dedham website.

Where can I get the map and lot number for my property?

You may obtain the information at the Assessors Office or the Planning Board. In addition, the Town of Dedham website contains a link called ***GIS***. This will also provide you with that information.

How do I know what zoning district I am in?

You may obtain the information at the Assessors Office or the Planning Board. In addition, the Town of Dedham website contains a link called ***GIS***, which will provide you with that information.

What is an abutters list, and why do I have to have one?

State law requires that people living within 300 feet of your residence (or business) must be notified that you are coming before the Zoning Board of Appeals with an appeal. Each resident has the right to support or contest your appeal. They are notified twice: once with the notice of hearing, and once with the decision.

What happens after I get my decision?

- After the hearing, a formal decision needs to be written, approved by the attorney on the Board, and then signed by each member who voted on your decision. Once all signatures have been obtained, your decision is filed with the Town Clerk. You will be sent a copy of the decision via mail. Enclosed will be instructions on your appeal period.
- Once the State-required 20-day appeal period for the decision has passed, you should obtain a letter from the Town Clerk testifying that there have been no appeals.
- You must then file the decision and a copy of the plot plan with the Norfolk County Registry of Deeds. There is a filing fee for this. You must then present it to the Town Clerk for their records.
- You may then go to the Building Department to apply for permits.

Why do I have to pay for advertisement of my hearing?

State law requires each hearing to be advertised for two consecutive weeks. The applicant is responsible for payment because he/she is asking for the change. All questions regarding fees should be directed to *The Dedham Times* at 781-329-5553 or dtimes@rcn.com.

If you have any questions about Zoning Board of Appeals applications,
please contact Susan Webster at 781-751-9242 or swebster@dedham-ma.gov