

**ZONING BOARD OF APPEALS  
TOWN OF SHREWSBURY  
MASSACHUSETTS  
INFORMATION FOR PETITIONERS**

**FORMS MUST BE SUBMITTED IN TRIPLICATE**

**NOTE: For additional information, see the “RULES and REGULATIONS, Zoning Board of Appeals” revised through September 28, 2010.**

**1. Basis for Appeals:**

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit resulting from any administrative decision rendered in accordance with the provisions of Chapter 40A of the General Laws, or by any officer or board of the Town or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provisions of Chapter 40A, or any ordinance or Bylaw adopted thereunder, or by any person seeking a Special Permit.

**2. When Appeal May be Taken:**

An appeal to the Board of Appeals must be taken within thirty (30) days from the date of the order or decision being appealed or, in the case of a Special Permit, within a reasonable time after written advisement of need for said permit.

**3. How Appeals May be Taken:**

Any appeal to the Board of Appeals must be made by completing a Form of Appeal, as supplied by the Board, and filing said form in the office of the Town Clerk. Accompanying such filing shall be:

1. One copy of the Town of Shrewsbury Tax Map(s) showing the subject property and all parcels located within 300 feet of its property lines. (May be obtained in the office of the Town Engineer.)
2. Three copies of the plot plan and/or site plans of the subject property.
3. One copy of the Zoning Board of Appeals, Form of Appeal Checklist.
4. Effective October 5, 2010, a filing fee of three hundred dollars (\$300).

**4. Form of Appeals:**

All appeals must be in writing, in triplicate, and signed by the applicant or his attorney. These documents shall be filed in the office of the Town Clerk of Shrewsbury, Municipal Office Building, Shrewsbury. One copy is to be sent to the Building Inspector and one copy to the Clerk of the Board of Appeals. The Form of Appeals is attached hereto.

## **5. Conditions to be met for Granting of a Variance:**

Before making a formal application for a Variance from the Town of Shrewsbury Zoning Bylaws 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) A hardship exists upon your land that requires you to apply for a Variance. Example: A ledge or rock condition exists upon your property which does not allow you to construct within the conformity of the Bylaw. Financial hardship, by itself, is not reason for the granting of a Variance.
- (2) The condition affecting your property is incidental to that property and does not generally affect other parcels within your zoning district.
- (3) A Variance may be granted without substantial detriment to the public good. This is to say, for example, that excess traffic would not result by the granting of the Variance, or that the rights of your neighbors would not be infringed upon.
- (4) A Variance cannot substantially derogate from the intent and purpose of the Bylaw. Putting a retail store in a residential district is substantial derogation from the intent and purpose of the bylaw. 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 Shrewsbury Zoning Bylaw

Your presentation before the Board should specifically relate to all four of these prerequisites. If in doubt, contact an attorney before filing your appeal. If your appeal is denied, then you would have to wait two years before reapplying. It is best to be fully prepared at the time of the hearing.

## **6. Hearings:**

Due notice of the hearing will be given to the applicant, abutters, to owners of all land located within 300 feet of the applicant's property, and to other persons as the Board deems to be interested parties. The applicant may appeal in person or be represented by an attorney. The applicant will be given an opportunity to present witnesses and evidence. Persons appearing in opposition will also be given an opportunity to be heard. No cross-examination of the witnesses will be allowed except at the discretion of the Board. The Board may, in its discretion, permit arguments at the close of the evidence.

## **7. Decision:**

The applicant will be notified, in writing, of the decision of the Board. For a Variance, a decision will be rendered before 90 days have passed from the date of the hearing. For a Special Permit, a decision will be rendered before 100 days have passed from the date the application is filed with the Town Clerk.

ZONING BOARD OF APPEALS  
TOWN OF SHREWSBURY  
MASSACHUSETTS

FORM OF APPEAL

Name of Appellant \_\_\_\_\_

Address of Appellant \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Owner of Subject Property \_\_\_\_\_

Address of Owner \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Location of Subject Property \_\_\_\_\_

Tax Plate \_\_\_\_\_ Plot \_\_\_\_\_

Zoning District \_\_\_\_\_

Appeal for (Variance, Special Permit, Other) \_\_\_\_\_

Applicable Section of Zoning Bylaw \_\_\_\_\_

**Pertinent Information:** Here set forth the reason or reasons for this appeal including all facts essential to the appeal and attach plans of the premises affected. If applying for a Variance, state reasons for hardship: Slope, Soil, Topography, other. If applying for a Special Permit, state how project meets Special Permit criteria. (Attach extra pages if necessary).

The undersigned respectfully appeals to your Board for a public hearing concerning the above matter

\_\_\_\_\_  
Signature of Appellant                      Date

\_\_\_\_\_  
Signature of Property Owner(s)                      Date

\_\_\_\_\_  
Signature of Property Owner(s)                      Date

\_\_\_\_\_  
Signature of Inspector of Buildings                      Date





# ZONING BOARD OF APPEALS

## Form of Appeal Checklist

Not Applicable

Waiver Requested

Included

1	Plot Plan	<b>REQUIRED</b>	<input type="checkbox"/>	Assessor's Tax Map & Plot Plan required for all applications.
	a. Plan fully complies with the ZBA Rules and Regulations.	<input type="checkbox"/>	<input type="checkbox"/>	
	b. An alternate plan is submitted.	<input type="checkbox"/>	<input type="checkbox"/>	
<p><u>Reasons for submitting an alternate plan:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: right;">Check One</p>				
2	Zoning Analysis Table	<input type="checkbox"/>	<input type="checkbox"/>	These items may not be required for all projects.
3	Parking Analysis	<input type="checkbox"/>	<input type="checkbox"/>	
4	Location of all building entrances or exits, drives, ways, parking lots, and loading areas	<input type="checkbox"/>	<input type="checkbox"/>	
	Elevations and locations on the plan of all existing and proposed signs on the subject property	<input type="checkbox"/>	<input type="checkbox"/>	
6	Location of utility lines and connections on the subject property	<input type="checkbox"/>	<input type="checkbox"/>	
7	Location of all prominent vegetated areas	<input type="checkbox"/>	<input type="checkbox"/>	
8	Location of trash disposal areas for all uses other than single family and two family residences	<input type="checkbox"/>	<input type="checkbox"/>	
9	Drainage calculations, as necessary to demonstrate there will be no adverse impacts to adjacent properties or roadways	<input type="checkbox"/>	<input type="checkbox"/>	

I hereby request a waiver for those items marked as "waiver" and understand that my application will be considered incomplete until the Zoning Board of Appeals approves the waiver or the information is submitted. I further understand that an incomplete application extends the statutory decision deadlines.

\_\_\_\_\_

Appellant's SignatureDate