

Zoning Board of Appeals Application Instructions Special Permits, Variances, & Appeals

GENERAL INFORMATION

The Zoning Department is responsible for the administration of appeals taken to the Southborough Board of Appeals. This Board is made up of five members appointed by the Selectmen to consider zoning decisions. The Board acts under the authority of MGL 40A, the State Zoning Act and Section 174 of the Southborough Code, the Town's zoning regulations. It is authorized to grant variances, special permits and appeals of decisions involving the zoning regulations of the Town.

STEP 1: PREPARING THE APPLICATION FOR REVIEW

Review the Southborough Zoning Bylaw before completing the application to identify the specific sections that pertain to the application.

- **Applicant Burden of Proof:** Applicants are advised that their application submission and presentation in a public hearing must, according to the Town Zoning By-Law, specifically address the areas detailed in the By-Law as follows:
 - Special Permit: [Section 174-9 Special Permit Requirements](#)
 - Variance: [Section 174-25 A \(3\) Variances](#)
- Complete the appropriate application form, checklist, and compile all required supporting materials. This will become the Application Packet.
- Please note certain Applications require comments and/or approvals from other Boards and Commissions before a decision may be rendered by the ZBA. Some examples include, but are not limited to, accessory apartments, hazardous waste facilities, large signs, Wetland and Floodplain District uses, and multifamily housing for the elderly.

STEP 2: APPLICATION REVIEW (OPTIONAL, BUT RECOMMENDED)

Submit your completed Application Packet to the Southborough Building Commissioner for review. The Building Commissioner will review the application for completeness and sign the application when a determination is made that it is complete. The Applicant will be notified that the application package is ready to be picked up from the Building Department. The application must be submitted for review **at least 15 days prior to the filing deadline**. Please see application deadlines here:

<https://www.southboroughtown.com/zoning-board-appeals>

STEP 3: PREPARE THE FOLLOWING DOCUMENTATION

Applications and supporting materials must be printed on standard 8 ½ x 11" paper unless otherwise noted. Applications and materials must be collated into separate application packages. Please do not use plastic covers or bindings when preparing the application packages.

- One (1) copy of the completed application form
- One (1) copy of all supporting materials (see application checklist for required materials)
- One (1) copy reduced size (11x17") copies of the plan(s) showing all requested information
- One (1) copy of the Certified Abutters List (no more than 3 months old)
- One (1) copy of the Legal Ad Form

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- One (1) electronic copy of application, plans, and supporting documentation via ViewPoint

STEP 4: FILING THE APPLICATION

The application filing deadlines can be found here: <https://www.southboroughtown.com/zoning-board-appeals> **No late applications will be accepted.**

- Bring the application and supporting documentation to the Town Clerk's office at 17 Common Street to be date stamped. **This marks the official filing date of the application.**
- The Town Clerk will keep this copy for their records.
- Submit the following to the Principal Assistant to the Zoning Board of Appeals via ViewPoint
 - Application Fee (see Fee Schedule). Physical checks should be made payable to the Town of Southborough.
 - One (1) copy of completed application form & checklist
 - One (1) copy of all required & supporting materials
 - One (1) reduced size (11" x 17") copy of architectural and site plan(s) showing all required information
 - One (1) copy of the Certified Abutters List (no more than 3 months old)
 - One (1) Legal Ad Form

FEE SCHEDULE (checks made payable to the Town of Southborough)

Application Type	Filing Fee	Comments
Special Permit (one-family or two-family residential use)	\$150.00	Modification or extension of such a special permit application shall also require a fee of \$150.00
Special Permit (other than one-family or two-family residential use)	\$300.00	Modification or extension of such a special permit application shall also require a fee of \$300.00
Variance (one-family or two-family residential use)	\$150.00	Modification or extension of such a variance application shall also require a fee of \$150.00
Variance (other than one-family or two-family residential use)	\$300.00	Modification or extension of such a variance application shall also require a fee of \$300.00
Appeal	\$300.00	
Comprehensive Permit	As specified in the Comprehensive Permit Regulations	

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Prior to the ZBA Public Hearing

- At least fourteen (14) days prior to the scheduled meeting date, the Principal Assistant to the Zoning Board of Appeals will post the Public Hearing Notice with the Town Clerk, in the Town House, and mail the notice to all parties listed on the Abutters List.
- The Public Hearing Notice will be published in a newspaper of general circulation for Southborough, once at least 14 days prior to the scheduled hearing, and again the subsequent week. The Applicant is responsible for prepayment of the Public Hearing Notice to be published.
- Any revised and supplemental materials must be submitted at least ten (10) days prior to the scheduled hearing. Any materials received less than ten (10) days prior to the scheduled hearing may, at the Board's discretion, not be considered during the scheduled public hearing.

On the day of the ZBA Public Hearing

- The Applicant and/or their Representative must appear at the hearing. At the hearing, the Applicant and/or their Representative will be asked to briefly review the Application and answer any questions presented by the Board. After the presentation by the Applicant and/or their Representative, the ZBA may vote to continue the public hearing if they feel more information is needed, or to close the public hearing and render a decision on the application.

After the ZBA Public Hearing

- After the public hearing is closed, the ZBA has 90 days to render a decision. Once the Board has done so, the Board then has 14 days to file their decision with the Town Clerk.
- On the day after the decision is filed with the Town Clerk, the twenty (20) day appeal period begins. The Principal Assistant will notify the Applicant when the decision has been filed and the appeal period has begun.
- When the 20-day appeal period has lapsed, the Town Clerk will certify the decision that no appeals have been filed, or if such appeals have been filed, they have been dismissed or denied, and release it to the applicant. The Applicant will be notified when the certified decision is available for pickup.
- It is the applicant's responsibility to record the decision with the Worcester County Registry of Deeds. The Registry of Deeds is located at 90 Front Street c201, Worcester, MA 01608. The fee for recording is paid by the owner or applicant. The Applicant **must** provide proof of recording to the Building Department before a Building Permit will be issued.