



**TOWN OF SOUTHBOROUGH
BOARD OF APPEALS**

COMPREHENSIVE PERMIT APPLICATION INSTRUCTIONS

Rev. 2.27.08

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INSTRUCTIONS:

1. Complete the Comprehensive Permit Application (the "Application") form (preferably typewritten, but if not, in legible, printed form) and submit it to the Building Department along with the supporting material specified below. A complete Application (and all required supporting materials) must be received at least **4 weeks** prior to the scheduled initial hearing date to meet the legally required advertising deadline. The Board typically meets monthly. Please contact the Board Administrative Assistant at (508) 485-0717 to determine the date for an initial hearing. Please note that the Application form is periodically reviewed and updated by the Board. It is the Applicant's responsibility to make sure that the most current version of the Application form is completed, as failure to use the most current Application form may result in the requirement to resubmit the Application.
2. The Application must first be submitted to, discussed with and signed by the Building Department before filing the Application with the Town Clerk. When the Building Department has signed the Application, the Applicant must then file the Application with the Town Clerk and have the Application stamped by the Town Clerk to establish the official filing date.
3. Twenty six (26) copies of any material (in addition to that included with the Application) that will be referred to by the Applicant (or the Applicant's representatives) at any public hearing must be submitted to the Building Department at least 10 days prior to such hearing to ensure adequate and proper review by the Board and accessibility by the public. Any material submitted later than this deadline may, at the Board's discretion, constitute a constructive request by the Applicant for a continuation of the hearing if, in the opinion of the Board, the Board, Town staff or the public have not had adequate time to appropriately consider such material. ***Applicants should note that this additional material includes amended plans, renderings, visual displays, models, etc., that may have been prepared after the Application was filed and are expected to be used by the Applicant during a public hearing presentation.***
4. The filing fee, in the form of a check made payable to the Town of Southborough in the amount of the required filing fee (refer to the Board's Comprehensive Permit Regulations and Guidelines (the "Regulations"), available from the Building Department, to determine the specific filing fee required) must be submitted with the Application.
5. A recent (no more than three (3) months old) certified list of abutters must be obtained from the Assessors' office and submitted with the Application. (Please allow at least one week from the date of request for the list to be prepared by the Assessor's office and be mailed to Applicant.)
6. The notice of the hearing will be prepared and mailed to the Applicant (or their agent or representative) by the Town. Applicants (or their authorized representatives) must attend the public hearing(s). An Applicant's consultants, engineers, surveyors, etc., whose signatures and/or stamps are on drawings or plans submitted to the Board, are expected to be available at public hearings to answer questions that the Board or the public may have about the materials they have prepared.
7. The Town will submit the notice of the hearing to a newspaper to be published twice. The Applicant (or their agent or representative) will be billed directly for this by the newspaper and the Applicant is responsible for payment of this bill.
8. The Applicant (or their agent or representative) is responsible for sending (with confirmation of delivery) copies of the notice of the hearing to all of the abutters on the certified abutters list at least two weeks prior to the hearing. Documentation of mailing and delivery receipts for the abutter notices must be submitted to the Building Department prior to the hearing.
9. After the final hearing has taken place the Board will reach a decision and will file such decision with the Town Clerk within forty (40) days. The date of this filing is the official date of the decision. A copy of the filed decision will be mailed to the Applicant and to the abutters by the Town.
10. There is a twenty (20) day appeal period that starts on the decision filing date. The appeal period must elapse before the Town Clerk can certify the decision. During this appeal period the Board's decision may be appealed to the appropriate appellate body. If an appeal is made, the Town Clerk cannot certify the decision until the appeal has been fully adjudicated.
11. After Board approval of a Comprehensive Permit has been certified by the Town Clerk **the Applicant must have this approval recorded at the registry of deeds.** Until this recording occurs, the Comprehensive Permit will not take effect. **Before a building permit will be issued: (i) documentation of recording must be provided to the Building Department, and (ii) all other building-permit-contingent conditions in the Comprehensive Permit must be satisfied.**

**APPLICATION RECOMMENDATIONS:**

The Comprehensive Permit review process typically involves input from a wide range of individuals and organizations in the Town. The Board recommends that before an Applicant submits the formal Application, the Applicant should consider providing information about the proposed project to a variety of individuals and organizations (including some or all of those listed below) and conducting informal discussions with these groups to gather suggestions for improving the characteristics of the proposal and to understand what modifications to the proposal may result in increased support for it. Groups to consider for such preliminary, informal conversations include:

- Southborough Housing Opportunity Partnership Committee;
- Neighbors in the area of the proposed development;
- Board of Selectmen;
- Building Inspector;
- Town Planner and the Planning Board;
- Southborough Housing Authority;
- Department of Public Works;
- Fire Department and Police Department; and
- Conservation Commission.

SUBMITTAL REQUIREMENTS:**ALL APPLICATIONS:**

All required documents (including photos) must include twenty six (26) copies for distribution. The Building Department may require additional copies of any documents, or other documents, to be submitted, as may be determined appropriate at the sole discretion of the Board. Applications must be signed by the Applicant. If the Applicant is not the Owner, the Owner must also sign the Application and documentation (such as a Purchase and Sale Agreement) as must be provided to confirm the Applicant's standing to apply for a Comprehensive Permit.

Plans as required by Section 4.1 of the Board's Regulations must be submitted. Plans submitted (other than the ten (10) full-size copies as designated below) shall be no larger than 11" x 17" and shall be stamped and signed, as appropriate, by a MA-registered engineer, land surveyor, etc.. All plans and representations must be consistent with plans and representations provided to other Town Boards or Town staff for the same project.

APPLICANT BURDEN OF PROOF:

Applicants for a Comprehensive Permit are advised that their Application submission and presentation in any public hearing must satisfy the relevant requirements of the Town Zoning By-Law (the "By-Law") (particularly Section 174-25), the Town Comprehensive Permit Regulations and Guidelines and the General Laws of the Commonwealth of Massachusetts (particularly Chapter 40B, Sections 20-23). Because of the scope and complexity of these regulations, Applicants are advised to review them carefully and to ensure that their Application and supporting materials and presentations address all of the necessary requirements. Applicants are also advised that their consultants, engineers, surveyors, etc., whose signatures and/or stamps are on drawings or plans submitted to the Board, are expected to be available at public hearings to answer questions that the Board or the public may have about the materials they have prepared.

CHECKLIST FOR APPLICATION SUBMISSION:

A. Twenty six (26) copies of a submission package including the following:

- ____ 1. Completed Comprehensive Permit Application form;
- ____ 2. Plans (no larger than 11" x 17"), signed and stamped, as appropriate, by a MA-registered land surveyor, engineer, architect, etc., as required by Section 4.1 of the Board's Regulations;
- ____ 3. Other documents as required by Section 4.1 of the Board's Regulations;
- ____ 4. Any other documents as required by the Board or the Building Department;
- ____ 5. A certified list of abutters, as obtained from the Assessors' office; and
- ____ 6. A set of current photographs of the subject premises/property, illustrating the proposed project area(s).

B. The required filing fee (in the form of a check payable to the Town of Southborough); and

C. Ten (10) full-size sets of all plans—one each for the Planning Department and the DPW and the remaining eight (8) sets for the Board to distribute as it deems appropriate.

CHECKLIST FOR POST-APPLICATION-SUBMISSION MATERIALS:

D. Documentation of the mailing and delivery receipts for the abutter notices, which must be submitted to the Building Department prior to the initial public hearing.

E. Any material (in addition to that included with the Application) that will be referred to by the Applicant (or the Applicant's representatives) at any public hearing, which must be submitted to the Building Department at least 10 days prior to such hearing.

**TOWN OF SOUTHBOROUGH****BOARD OF APPEALS****COMPREHENSIVE PERMIT APPLICATION FORM**

(PLEASE ANSWER ALL OF THE FOLLOWING—USE ADDITIONAL PAGES AS NECESSARY)

1. **Applicant's Name:** _____2. **Applicant's Address:** _____3. **Contact Telephone #s** _____ **Email Contact:** _____4. **Applicant Is:** Owner: _____ Tenant: _____ Licensee: _____ Prospective Buyer: _____ Other: _____5. **Property Owner's Name:** _____
(if different from Applicant)6. **Property Owner's Address:** _____
(if different from Applicant)7. **Location Of Property (Street Address):** _____8. **Zoning District(s) Of All Properties:** _____9. **Map/Lot/Book/Page Identification For All Properties:** _____10. **Sections Of Zoning Regulations Petition Is Regarding:** _____
_____11. **Specific Relief Requested:** _____
_____12. **Description of Petition, and Applicant's Reasons for the Board to Approve the Petition:**

13. Please list any Applicant representatives* who will be present for or will prepare materials for the public hearing(s):

Name	Role (e.g., attorney, architect, etc.)	Address	Telephone Number

(If there are more than five Applicant representatives, please identify them on a separate sheet.)

***NOTE: Any such Applicant representatives whose statements or work product are presented to the Board must disclose the nature and extent of any personal interest (beyond payment of customary fees for their services) related to the Application.**



14. Have any prior variances or special permits been granted for this property?	<input type="checkbox"/> NO <input type="checkbox"/> YES (if "Yes", please provide details on a separate sheet)
15. Are there any outstanding enforcement actions or regulatory issues related to this property (including, but not limited to, EPA/DEP, Town Boards, Federal or State Government agencies) or have there been any such issues related to this property at any time in the past five years?	<input type="checkbox"/> NO <input type="checkbox"/> YES (if "Yes", please provide details on a separate sheet)
16. Are there any other pending applications with other Town Boards or necessary approvals from other Town Boards related to this application (including, but not limited to, Planning Board, Conservation Commission, Board of Health)? With other Towns? The State of MA?	<input type="checkbox"/> NO <input type="checkbox"/> YES (if "Yes", please provide details on a separate sheet)
17. Application Pre-Filing Review by Building Department	REVIEWED BY _____ REVIEW DATE _____
18. Application Filing with Town Clerk	FILING DATE _____ (Town Clerk Signature)

I hereby request a hearing before the Board of Appeals with reference to the above noted petition, and I hereby authorize the Board members and other Town officials, in their official capacity as related to this petition, to have unrestricted access to the subject property for purposes of viewing the subject property in relation to such hearing(s).

Signature Of Applicant: _____ Date: _____

Property Owner's Signature (if not the Applicant) _____ Date: _____

Applicants are advised that all papers filed with the Board appealing a decision of the Southborough Building Inspector, seeking a variance, seeking a special permit, or seeking any other relief from or action by the Board, shall be signed and dated by the party on whose behalf the filing is made or by the party's authorized representative and shall state the address, telephone number, facsimile number, and (if available) electronic mail ("e-mail") address of the party or authorized representative. This signature shall constitute a certification that the signer has read the document and believes the content of the document is true and accurate, and that the document is not interposed for delay. Signature by an authorized representative also certifies the full power and authority to represent the party. Any paper filed with the Board that contains false, inaccurate, or misleading information may be grounds for the Board to deny any relief sought from, or request made to, the Board by any party.

Applicants are also advised that at any public hearing the Board Chairman, at his/her discretion, may elect to have the Applicant and/or the Applicant's representatives sworn in relative to the statements that they make to the Board.

The Board, at its discretion and by majority vote, may require that the Applicant submit additional information related to the Application, including, but not limited to, a proposed "Memo of Decision" specifying proposed findings and conditions.

FOR BOARD USE ONLY

Application Pre-Filing Signature Date: _____ Application Filing Date: _____

Initial Public Hearing Date: _____ Initial Public Hearing Due By: _____

Close of Public Hearing Date: _____ 40 Day Decision Period Expiration: _____