

# **TOWN OF NORFOLK ZONING BOARD OF APPEALS**



## **APPLICATION FOR HEARING BEFORE THE ZONING BOARD OF APPEALS**

APPEALS – G.L. c. 40A, s. 8  
SPECIAL PERMITS – G.L. c.40A, s.9  
VARIANCES – G.L. c. 40A, s.10  
REPETITIVE PETITIONS – G.L. c.40A, s. 16  
COMPREHENSIVE PERMITS – (separate application packet)

M.G.L. chapter 40A, s.14 and the Norfolk Zoning Bylaws provide that the Zoning Board of Appeals shall have the authority to hear and decide petitions for Appeals, Special Permits, Variances, Appeals, Repetitive Petitions, and Comprehensive Permits ((40B)).

Please refer to the attached instructions when completing this application. The criteria for the granting of Special Permits and Variances is listed on Appendix A, B and C in this packet.

Applicants are advised to check with the Building Commissioner/Zoning Officer for interpretations of the Zoning Bylaws relative to your case prior to filing with the Board of Appeals.



**Town of Norfolk  
Zoning Board of Appeals  
APPLICATION FOR HEARING**

**SECTION A**

1. Applicant/Appellant: \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_

3. Phone: \_\_\_\_\_ Street \_\_\_\_\_ Town \_\_\_\_\_ Zip \_\_\_\_\_  
 Home/business/cell FAX: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

4. Location/Address of Property – Subject of Hearing: \_\_\_\_\_  
 Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

5. Owner of property: \_\_\_\_\_

6. Address of Owner: \_\_\_\_\_

7. Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

8. Applicant is: \_\_\_ (owner) \_\_\_ (tenant) \_\_\_ (Licensee)

**SECTION B** (Check all that apply- see Instructions for further explanation)

- \_\_\_ a. **APPEAL (appeal of Building Inspector/Zoning Officer’s Decision** (c.40A, s. 8)
- \_\_\_ b. **SPECIAL PERMIT** (C.40A, s.9 & Norfolk Zoning Bylaws, s.G.6)  
 \_\_\_ **MODIFICATION/EXTENSION/RENEWAL of SPECIAL PERMIT**
- \_\_\_ c. **VARIANCE** (C.40A, s.10)
- \_\_\_ d. **REPETITIVE PETITION** (G.L. C. 40A, S 16, Norfolk Zoning Bylaws s. G.7. & s.5 ZBA Organization, Rules and Procedures)

**SECTION C** (State exact nature of the request and cite applicable zoning bylaw(s). You may attach additional paper as necessary.)

Section(s) \_\_\_\_\_

Description: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION D: CHECKLIST**

- \_\_\_\_\_ 1. **Twelve (12) copies of the site plan of land** (see instructions for submittal) along with 9 copies of completed and signed Application and all enclosures. (s.2 ZBA Organization, Rules and Procedures)
- \_\_\_\_\_ 2. **Two (2) copies of the letter of denial from the Building Inspector** (if Applicable)
- \_\_\_\_\_ 3. **Two (2) copies of a list of abutters, prepared and certified by the Board of Assessors for the current tax year of the application** (s. 5 ZBA Organization, Rules and Procedures & MGL c.40A, s.11)
- \_\_\_\_\_ 4. **Two (2) copies of Articles of Incorporation** (if applicant is incorporated)
- \_\_\_\_\_ 5. **Check or money order, payable to “Town of Norfolk”** (see fee schedule)
- \_\_\_\_\_ 6. **Written verification that application has been made to the Norfolk Planning Board for Site Plan Approval and Design Review Board, if required.** (*Note: All Non-residential projects must be reviewed by the Norfolk Planning Board.*)
- \_\_\_\_\_ 7. **Good Standing Form** (Norfolk Town Bylaws, Article II, s. 4)
- \_\_\_\_\_ 8. **Completed relevant Appendices for specific application (“A”, “B”, or “C”)**

**SECTION E GOOD STANDING** (Pursuant to Norfolk General Bylaws- Art. II, s.4)

*The above Applicant is applying for a permit and has no outstanding debt on record from the following offices.*

Treasurer/Collector’s Approval \_\_\_\_\_  
Name Date

Water Department Approval \_\_\_\_\_  
Name Date

Town Clerk Approval \_\_\_\_\_  
Name Date

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**I hereby request a public hearing before the Norfolk Board of Appeals with reference to the above noted application:**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Applicant)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Property Owner if different from Applicant)

**Note: The Town Clerk shall sign and stamp the date received. MGL c. 40A, §§ 9 & 15 specifies that the Town Clerk’s stamp starts the process for ALL Zoning Board of Appeals applications.**

\_\_\_\_\_  
*Town Clerk* Date

**Appendix A**  
**Variance Criteria and Worksheet**  
**(per G.L. 40A, §10)**

*Variances cannot be granted unless all 4 statutory requirements are found*

1. The Variance must be with respect to particular land or structures.  
*The Norfolk Zoning Bylaws do NOT allow variances for uses or activities not otherwise permitted in the district in which the land or structure is located.*

Parcel of Land: \_\_\_\_\_

Structure(s): \_\_\_\_\_

2. There must be circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located.

Circumstances: \_\_\_\_\_

\_\_\_\_\_

3. Literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

Circumstances: \_\_\_\_\_

\_\_\_\_\_

4. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.

Relief would be: \_\_\_\_\_

Detriment would be: \_\_\_\_\_

Is it substantial: \_\_\_\_\_

## APPENDIX B

### Special Permit Criteria and Worksheet (per Norfolk Zoning Bylaws, Section G.6 and G.L. chapter 40A, s. 9)

1. The use must be in harmony with the general purpose and intent of the Bylaw.

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2. The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.

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3. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

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4. The proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances.

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5. The proposed use would not cause undue traffic congestion in the immediate area.

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6. A proper site plan has been filed for approval with the Planning Board and the proper number of copies submitted with the application for a Special Permit to the Board of Appeals.

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7. The use and or purpose is consistent with the 1992 Master Plan, and as most recently updated.

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## APPENDIX C

### Watershed Protection Bylaw Criteria Worksheet (Per Norfolk Zoning Bylaw, s. D.3.f.5.a – d)

1. The use must be in harmony with the purpose and intent of this Bylaw and will promote the purpose of the Watershed Protection District as outlined in Section D.3.a. of the Norfolk Zoning Bylaws.

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2. The use must be appropriate to the natural topography, soils, and other characteristics of the site to be developed.

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3. The use will not, during construction or thereafter, after an adverse environmental impact on any water body or course in the district.

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4. The use will not adversely affect an existing or potential water supply.

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PLEASE NOTE: All construction and land disturbing activities within the Watershed Protection District shall be designed or site to minimize erosion and runoff by minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins, and revegetation. (Norfolk Zoning Bylaw, Section D.3.h.)

## **INSTRUCTIONS FOR FILING**

Please read the instructions carefully prior to completing the APPLICATION FOR HEARING form.

All applications to this Board will be acted upon, but because of legal requirements, all information must be complete and correct to the best of the applicant's knowledge. Incomplete applications may cause delays.

No member of the Zoning Board of Appeals may volunteer information, advise, or answer any questions about your application or project as this may be deemed prejudicial. (s.7, ZBA Organization, Rules and Procedures).

**SECTION A** – Please complete this basic information regarding this application

**SECTION B** – Check all items that are the subject of this Application. All actions before the Board have state and local statutory time provisions and limits.

a. Appeals- an application for an Appeal of the Building Inspector's decision must be filed on the official application form and stamped by the Town Clerk within 30 days of the date of the written decision of the Building Inspector. (GL, c40A, s.8). The Board shall schedule a public hearing within 65 days of the filing and shall render a decision within 100 days of the filing date unless otherwise extended by written agreement of the Board and applicant. (GL, c.40A, s.15).

b. Special Permit – An application for a Special Permit must be filed on the official application form and stamped by the Town Clerk (GL, c.40A, s. 9) and the correct number of forms and plans submitted to the Board. The Board shall preview all applications to ensure completeness for advertising and schedule a public hearing within 65 days of the Town Clerk's stamp. The Board shall render a decision within 90 days after the close of the public hearing.

c. Variance – An application for a Variance must be filed on the official application form and stamped by the Town Clerk (GL, c. 40A, s.10) and the correct number of forms and plans submitted to the Board. The Board shall preview all applications to ensure completeness for advertising and schedule a public hearing within 65 days of the Town Clerk's stamp. The Board shall render a decision within 100 days of the Town Clerk's stamp.

d. Addendum, Modification, changes to conditions of approval or plans. An application for an Addendum/modification must be filed on the official application form and stamped by the Town Clerk (GL, c40A, s.11) and the correct number of forms and plans submitted to the Board. The Board shall preview the application to ensure completeness for advertising and schedule a public hearing within 65 days of the Town Clerk's stamp. The Board shall render a decision within 90 days after the close of the public hearing.

e. Extension – An application for an Extension of a previously granted special permit or variance shall be filed on the official application form and stamped by the Town Clerk (GL, c.40A, s. 11) and the correct number of forms and plans submitted to the Board. The Board shall preview the application to ensure completeness for advertising and schedule a

public hearing within 65 days of the Town Clerk's stamp. The same procedures required for an original application must be followed for an Extension. Once the special permit or variance lapses, the filing is treated as a new application and the request is subject to the zoning in effect at the time the new special permit or variance is issued.

f. Renewal – An application for a Renewal of a previously granted special permit or variance shall be filed on the official application form and stamped by the Town Clerk (GL, c40A, s. 11) and the correct number of forms and plans submitted to the Board. The Board shall preview the application to ensure completeness for advertising and schedule a public hearing within 65 days of the Town Clerk's stamp. The same procedures required for an original application must be followed for a Renewal.

g. Repetitive Petition – If a special permit or variance has been denied, the applicant must wait 2 years from the date of the final unfavorable action to re-apply unless filing (repetitive petition) is first made to the Planning Board for a reconsideration of specific and material changes that relate to the reasons of the unfavorable action by the Zoning Board (GL, c.40A, s.16). The Planning Board must consent to the reconsideration by finding specific and material changes by a 4-1 vote. If granted by the Planning Board, the application for Repetitive Petition must be submitted to the Zoning Board following public hearing requirements. The Board must also find specific and material changes before reconsidering the issue again.

**SECTION C** – Obtain a copy of the Norfolk Zoning Bylaws. Write all sections of the Bylaws that apply to your request. Write a short description of the request. Additional paper may be used for a description about your petitions.

**SECTION D** – Provide the items in this checklist with your application packet:

1. Provide the Zoning Board of Appeals with **9** sets of application and supplemental information and **12** copies of plans.
2. Provide 2 copies of a letter of denial from the Building Inspector, if the subject of your application is an Appeal
3. Provide 2 copies of a list of abutters obtained from the Board of Assessors for the current tax year. The list shall contain the names and addresses of all abutters and owners of land directly opposite and adjacent on any public or private way or street and abutters within 300 feet of the property line of the subject property as they appear on the most recent tax list; notwithstanding that the land of any such owner is located in another city or town.
4. Provide 2 copies of Articles of Incorporation, if applicable
5. Attach a check or money order as per Schedule of Fees included with this application. The Board may determine that assistance of outside consultants is warranted due to the size, scale, or complexity of the project. An additional review fee may be required per s. 2 of ZBA Organization, Rules and Procedures. Failure of an applicant to pay a review fee, when requested, shall be grounds for denial of the application (Art. V, s. 2c Town

Bylaws).

6. Provide written evidence that an application has been filed with the Planning Board for all non-residential projects requiring Site Plan Review.
7. Provide a signed Good Standing Form indicating that there are no outstanding debts or fees owed to the Town. A Permit Granting Authority may deny any application submitted by a person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments or any other municipal charges (ZBA Organization, Rules and Procedures, Town Bylaws, Art. II, s. 4)
8. Complete the applicable criteria worksheet (A, B, or C) attached with the application.

### **Site Plan Requirements:**

1. The Plan shall be prepared by a MA Registered P.E or Surveyor who shall include a wet stamp affixed to the plan including an original handwritten signature and discipline adjacent to and below the licensee's seal.
2. The Plan shall not be less than a 40 scale plan.
3. Property lines and site dimensions shall be shown.
4. Names of adjacent streets shall be shown.
5. The North arrow shall be shown.
6. The location of all buildings on the property and their distance to property lines and buildings on abutting properties.
7. Names of owners of all abutting properties.
8. Required parking (if any), entrance, exits, driveways, etc. pertinent to the granting of a variance or special permit must be shown.
9. All proposed changes must be shown in red.
10. Show two foot contour intervals on the plan.

### **Non-conforming Structures:**

When applying for a NON-CONFORMING addition or NON-CONFORMING STRUCTURE (s. F.4.a. of the Norfolk Zoning Bylaws), the applicant must submit a plan showing the original structure and documentation of any special permits and/or building permits issued since zoning on the age of any additions, or proof of additions prior to the adoption of the zoning bylaws in March of 1953.

A copy of the Norfolk Zoning Bylaws may be purchased from the Town Clerk. The Zoning Bylaws are also online at [www.virtualnorfolk.org](http://www.virtualnorfolk.org)

One non-circulating copy of the Zoning Bylaws and Organizational Rules and Procedures of this Board are on file with the Town Clerk and the Zoning Board of Appeals.

**ARTICLE V**  
**SCHEDULE OF FEES**  
**(Effective January 15, 2020)**

**SECTION 1: APPLICATION FEES**

The Norfolk Zoning Board of Appeals fees shall consist of 1) Application Fee(s) and 2) Advertising Fee(s). In certain cases, Review Fee(s) as outlined in Sections 2 & 3 below may be required.

- a) Special Permit  
Application Fee..... \$300.00  
Each additional Special Permit pertaining to the same site..... \$50.00  
Advertising Fee.....At the expense of the Applicant
  
- b) Variance  
Application Fee..... \$300.00  
Each additional Variance request pertaining to the same site..... \$50.00  
Advertising Fee.....At the expense of the Applicant
  
- c) Special Permit (SP) and Variance  
Application Fee..... \$300.00  
Each additional SP or variance request pertaining to the same site..... \$50.00  
Advertising Fee.....At the expense of the Applicant
  
- d) Comprehensive Permit  
Application Fee..... \$1,080.00  
Plus per unit cost ..... \$220.00  
Advertising Fee.....At the expense of the Applicant
  
- e) Significant Change to Comprehensive Permit  
Application Fee..... \$300.00  
Advertising Fee.....At the expense of the Applicant
  
- f) Appeals  
Application Fee..... \$300.00  
Advertising Fee.....At the expense of the Applicant
  
- g) Wetland Act and/or Watershed Hearing  
Application Fee..... \$300.00  
Advertising Fee.....At the expense of the Applicant

- h) Addendum and changes/relief from conditions  
 Application Fee..... \$300.00  
 Advertising Fee.....At the expense of the Applicant
- i) Extension request for Special Permit/Variance  
 Application Fee..... \$300.00  
 Advertising Fee.....At the expense of the Applicant
- j) Repetitive Petitions (Requires application to Planning Board to re-apply to ZBA)  
 Application Fee..... \$300.00  
 Advertising Fee.....At the expense of the Applicant
- k) Renewals of Special Permits  
 Application Fee..... \$300.00  
 Advertising Fee.....At the expense of the Applicant

PLEASE NOTE: In addition to the application and advertising fees, the applicant will be required to reimburse the Town for any and all costs incurred by the Town to have an engineer/consultant review the proposal as deemed necessary by the Zoning Board of Appeals. (Please note Article V, Section 2, Rules and Regulations)

**SECTION 2: APPLICATION REVIEW FEES - SPECIAL MUNICIPAL ACCOUNT**

a. When reviewing an application for Special Permit/Variance or Comprehensive Permit, the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of a proposed project, or because of a project's potential impacts. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.

b. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.

c. Funds received by the Board pursuant to this section shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application.

d. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest,

attributable to a special project, shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

e. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

PLEASE NOTE: The above regulation is designed to implement the provisions of Chapter 593 of the Acts of 1989, Chapter 44, as amended. (3/7/90)

### **SECTION 3, SPECIAL MUNICIPAL ACCOUNT - REVIEW FEE SCHEDULE**

a. The Special Municipal Account Review Fees are to be made in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant (Article V, Section 2). The Review Fees may be requested of the applicant in the determination of the Board that outside consultants are required and are in addition to the general fees set forth for an Application for Hearing before the Board (Article V, Section 1). The failure of an applicant to pay a review fee, when requested, shall be grounds for denial of the application (Article V, Section 2.c.).

b. The Review Fee Schedule as outlined in Section 3.d. of Article V, shall be considered the initial deposit for the purposes of establishing the Special Revolving Account for the project. Any additional costs associated with the review of the project shall be borne by the applicant be borne by the applicant. The Review Fee Schedule shall be amended as necessary with the concurrence of the Board Members and shall become effective on the stamped date of the Town Clerk.

c. All Review Fees shall be payable to the "Zoning Board of Appeals Review Account" and shall be deposited with the Town Treasurer into a special revolving account for the project. (effective 3/18/93)

**SECTION 3, SPECIAL MUNICIPAL ACCOUNT - REVIEW FEE SCHEDULE**

(cont'd)

**d. REVIEW FEE SCHEDULE:**

Comprehensive Permits	\$2000.00
Special Permits	\$ 500.00
Variances	\$ 500.00
Wetland/Floodplain Act and/or Watershed Hearing	\$1000.00
Aquifer Protection Hearing	\$1000.00