

Town of Bourne
Zoning Board of Appeals

Application Packet

Attention Applicant:

Please read this document carefully. It contains specific instructions on how to prepare appeal applications and what supporting documents you need to prepare a complete “Application Packet”.

It is **strongly recommended** that you contact the Town of Bourne Inspection Department at 508-759-0600 Ext.1345 if you have questions regarding your application or the information you must provide.

Incomplete applications or missing documents could result in either a denial or postponement of your appeal. This action can cost you time and money.

Table of Contents

Application Preparation Instructions.....	Pg. 3
○ Variance	
○ Special Permit	
Appeal of the Decision of the Building Inspector	Pg. 7
Board Procedures re: Written Decisions	Pg. 7
Timetable for Hearings, Decisions, and Appeals.....	Pg. 8
Filing Fees, Document Submission Requirements, and Filing Instructions	Pg. 8
Staking - Pre-Hearing Instructions	Pg.10
Hearing Instructions	Pg. 10
Appendix A1 – Forms	Pg. 11
• Application Packet Checklist	
• Notices Relevant to Hideaway Village	
• Application Form for a Special Permit	
○ Accessory dwelling	
○ Extension or alteration of a pre-existing non- conforming structure or use or excess GFA/Lot Coverage	
○ Use change	
○ Kennel	
• Application Form for a Variance	
• Notice of Appeal of the Decision of the Building Inspector	

Introduction

This application packet explains the workings of the Board of Appeals in relation to its duties to hear and decide applications for variances, special permits, supportive findings, and appeals from decisions of the Building Inspector under MGL Chapter 40A. Not included in this packet are the Board's duties and regulation with regard to applications for a Comprehensive Permit under MGL Chapter 40B, or its powers under MGL Chapter 41, Section 81Y.

Application Preparation Instructions

What you should know before applying.

In order to grant permission to proceed with any project which does not conform to the Zoning Bylaw, the Board of Appeals must be persuaded by the applicant with evidence that the proposal meets the requirements of the particular special permit or variance for which the applicant is applying. The applicant should read all relevant sections of the Zoning Bylaws before filling out the application. The burden of meeting the requirements of the particular special permit or variance falls upon the applicant.

For the applicant to accomplish this, it is imperative that the visual presentation:

- Show clear plans and elevations of the project as well as the type of construction. This will allow the board to be adequately informed concerning the proposal.
- There is no requirement that an attorney represent any appellant. There is also no requirement that the visual presentation material be prepared by an architect or other design professional. However, if you have any doubts as to your abilities to present your arguments and to set forth your proposed design in a clear and precise manner, it may be advisable to seek professional assistance.

The board will not approve any proposals which it deems are inadequately presented. In such instances, the hearing may be continued to allow the applicant more time to prepare, or the application may be dismissed with or without prejudice. Dismissal with prejudice will prevent the applicant from reapplying for a period of 2 years. Dismissal without prejudice allows the applicant to reapply at his/her convenience, but does not extend any applicable statute of limitations.

Application for a Variance

The Massachusetts law regarding variances is strict and unyielding. When an individual applies for a variance, he/she requests authorization from the Zoning Board of Appeals to do something that is in violation of the Zoning Bylaw. The criteria for granting a variance are very restrictive and the applicant must meet all three of the following conditions specified in The Zoning Act, MA General Laws Chapter 40A:

1. Special conditions must exist that affect the subject parcel of land. There must be “something wrong” or “something unusual” about the parcel for which the variance is sought. These conditions pertain only to the shape, soil conditions, or topography of the parcel. Shape should not be confused with size.
2. Literal enforcement of the Zoning Bylaw would involve substantial hardship, financial or otherwise.
3. Desirable relief (approving the variance, with or without conditions) may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

The Variance cannot be granted unless the Zoning Board of Appeals specifically finds that all three conditions have been met. The granting of a Variance requires a super-majority vote (at least 4 hearing members voting YES)

Application for a Special Permit

There are six types of Special Permits or permissions that the Board of Appeals can grant (with or without conditions) or deny (with or without prejudice) upon application after a hearing:

1. A Special Permit for a change of use from one non-conforming use to another non-conforming use (section 2340);
2. A Special Permit for an accessory dwelling (section 4120);
3. A Special Permit for a Kennel (section 2200);
4. A Special Permit for a free-standing sign that exceeds fifteen feet in height (section 3210 h);
5. Permission for the extension or alteration of a pre-existing non-conforming structure or use (section 2320);
6. A Special Permit allowing up to 10% more gross floor area or up to 10% more lot coverage that the table in section 2456 allows (section 2457).

All Special Permits under state law require a vote of at least a super-majority, or 4 hearing members. However, in order to grant Permission for the extension or alteration of a pre-existing non-conforming structure or use, only a simple majority of those voting must find that the requested extension or alteration will not be substantially more detrimental to the neighborhood than is the existing nonconforming use. (See section 2320.) While technically called a “supportive finding” in the bylaw, for simplicity purposes the Board will sometimes refer to this finding as a “Special Permit.”

With regard to permission for the extension or alteration of a pre-existing non-conforming structure or use under section 2320, if the applicant seeks to extend or alter an existing non-conformity, the permission shall only be granted if the Board finds that the extension or alteration will not be substantially more detrimental to the neighborhood than is the existing nonconforming use, and only a simple majority of those voting is required. However, if the applicant seeks to create a new nonconformity in a preexisting nonconforming structure, a variance is required. (See *Deadrick v. Zoning Board of Appeals of Chatham*, June 25, 2014.)

All Special Permits require that the Board of Appeals make a finding that the proposed use will not have adverse effects which over-balance its beneficial effects for either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. In making this determination, the Board must consider the following factors, among others: pedestrian and vehicular flow and safety; adequacy of utilities and other public services; the impact on the natural environment; impact on nearby developed premises; visual compatibility with the surroundings; in Water Districts, the contribution to cumulative impact upon public water supplies; and the impact upon the Town's needs for year-round housing available for persons of all income levels. (See section 1331.)

Also, in making a finding under section 2320, the Board may also consider any or all of the factors set forth in section 1331, although section 2320 does not require such consideration.

In addition, in order to issue a Special Permit for a change of use from one non-conforming use to another non-conforming use, or for a Special Permit for a Kennel, the following conditions must be met:

- a) The change of use by the Special Permit will not result in externally observable attributes that are more damaging to or inharmonious with the environs than those of the use being replaced.
- b) The change of use by the Special Permit will not result in traffic generated by the new use which will excessively exceed that normally expected in the neighborhood.
- c) The change of use by the Special Permit will not create a nuisance or hazard.
- d) The change of use by the Special Permit will not be more objectionable to the neighborhood than the current use. (See Section 2340).

In addition, in order for the Board of Appeals to grant a Special Permit for an accessory dwelling, applicants must be prepared to present information demonstrating that the following criteria are met:

- a) The Board of Health has documented to the Board of appeals that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on the site.
- b) Parking (as required by Section 3320) must be provided either in a garage or on paved surfaces not located within any required yard.

The Board of Appeals must also consider whether the lot area or other site characteristics assure mitigation of any impacts on the neighborhood, whether there is enforceable assurance that occupancy of the unit will serve significant community purposes, such as facilitating care for the elderly or handicapped, or providing housing at unusually low cost and whether site and building design will effectively avoid any departure from the character of the neighborhood. (See section 4120.)

In addition, in order to grant a Special Permit to increase the height of any free-standing sign to more than 15 feet, the Board of Appeals must make the following determinations:

- 1) The increase in height is necessitated by unusual site circumstances; and
- 2) The resulting sign will not intrude into any scenic views; and
- 3) The design and illumination avoid creation of hazardous distraction for motorists; and
- 4) The proposed sign height is preceded by the height of signs on nearby properties or by the height of building on the same premises; and
- 5) Compensatory scenic enhancements are to be made, such as landscaping beyond that otherwise required.

In no event shall a free-standing sign exceed 35 feet. (See section 3210 h.)

In addition, in order to grant a Special Permit for up to 10% more gross floor area or up to 10% more lot coverage than the table in section 2456 allows, the Board of Appeals must find:

Good cause, which must be good and sufficient cause, meaning that failure to grant the departure would result in exceptional hardship to the applicant, or conflict with existing laws. (see section 2457.)

In addition, the Board of Appeals hears and decides appeals from the decisions of the Design Review Committee, under section 2890, which is empowered by the bylaws to approve certain signs in the downtown district.

Finally, it should be noted that the Board of Appeals does not waive any requirements of the Board of Health, so if any Board of Health related issues are involved in any applications (for example, the Board of Health has special Kennel regulations, and bedroom additions must have adequate septic systems), the applicant must comply with all Board of Health requirements.

A Special Permit cannot be granted unless the Zoning Board of Appeals specifically finds that all conditions have been met.

Appeal of a Decision of the Building Inspector

An **Appeal of the Decision of the Building Inspector** shall be made pursuant to MGL Chapter 40A Sections 8, 13, 14 and/or 15, by filing with the Town Clerk “Notice of Appeal” within twenty (20) days from the date of the decision or order being appealed. The reasons and grounds for the appeal should be specified in the notice of appeal. The applicant will submit the completed **Notice of Appeal, Application Packet Checklist**, supporting documents and fee to the Town Clerk. Any decision to affirm, modify, or reverse a decision of the Building Inspector requires a super majority vote of 4 members.

Board Procedures With Regard To Writing Decisions:

If the criteria are met, the Board of Appeals, in its discretion, may grant a Variance or a Special Permit or Make a Supportive Finding, with or without reasonable conditions, safeguards, and limitations. Whether or not the Variance or Special Permit or Supportive Finding is granted, granted with conditions, or denied, or the Board votes to affirm or reverse a Decision of the Building Inspector, one of two processes will occur: 1) a member of the Board will make a motion and the Board will vote to grant or deny the application. A member of the

Board will be authorized to draft a decision, which will be reviewed for accuracy of form and content by the Chairman or his/her designee before the decision is filed with the Town Clerk; **or** 2) a member of the Board will make a motion and the Board will vote to authorize a designated decision writer to draft a preliminary decision (approving or denying the application). The applicant's hearing will be continued to the next regularly scheduled meeting (usually in two weeks) where the Board will review and approve the draft decision for form and content before the decision is filed with the Town Clerk.

Timetable for Hearings, Decisions, and Appeals

1. The board of appeals must schedule a public hearing within 65 days from the date the application is filed with the Town Clerk. All memorandum of law, if any, shall be submitted to the Board of Appeals at least ten (10) days before the public hearing, unless the Board by majority vote extends this time limit.
2. The decision of the board shall be made within 100 days after the date of filing of an appeal, application or petition. Time requirements may be extended by written agreement between the applicant and board.
3. After the public hearing and the Board's decision, the Board of Appeals has 14 days to file its decision with the town clerk.
4. There is a 20 day appeal period for all decisions that starts on the next full calendar day after the decision has been filed with the town clerk.

Filing Fees

1. The filing fee for processing an application to appeal of the Decision of the Building Inspector is \$100.00.
2. The filing fee for processing an application for a Special Permit is \$130.00.
3. The filing fee for processing an application for a Variance is \$130.00.

Document Submission Requirements

In order to assure timely and proper distribution, copies of all documents should be submitted in collated packets. Ten (10) copies (packets) of the following documents are required:

1. The formal application
2. The Bourne assessor's map. Copies can be obtained from the town-engineering department.
3. Certified plot plan showing the affect of the proposed change on the property and footprint of the building.
4. All building plans.
5. Detailed driving directions to the property location.
6. Gross Floor Area and Lot Coverage worksheet signed by the Town Planner or his/her designee.

In addition, submit two (2) copies of the "List of Parties of Interest." This is a list of the names and addresses of the petitioner, abutters, owners of land directly opposite on any public or private street and abutters to the abutters within three hundred feet (300 ft) of the property line of the petitioner. This information is provided by the Assessing Department.

Filing Instructions

- 1) Only official Zoning Board of Appeals forms are to be used when preparing an application for a Special Permit or Variance.
- 2) All applications to Town Clerk's office for processing **must** be accompanied by the following **required items, unless waived for good cause by a majority vote of the Board of Appeals:**
 - a) An **Application Packet Checklist** denoting:
 - i) the type of application (Variance, Special Permit or Notice of Appeal);
 - ii) the petitioner's name, name of the property owner if different, property address, Registry of Deeds Title Reference (Book and Page number or Certificate of Title Number, and telephone number; and
 - iii) the supporting documents that are included as part of this submission.
 - iv) a precise set of written directions to the subject property.
 - b) An **Original Completed Application** signed by the applicant or his/her agent together with:
 - i) One (1) certified list of names and addresses of Parties of Interest defined as:
 - (1) Petitioner
 - (2) Abutters
 - (3) Owners of land directly opposite on any public or private street.
 - (4) Abutters to abutters within three hundred feet (300 ft.) of the property line of the petitioner as they appear on the most recent tax list.
 - ii) Eleven (11) copies of the completed application.
 - iii) Eleven (11) copies of the Bourne Assessor's Map clearly defining the subject parcel(s).
 - c) **If the application is for a subdivision**, Twelve (12) copies of prints showing the proposed subdivision endorsed by a registered land surveyor.
 - d) If the application is for a Special Permit for an increase in gross floor area or lot coverage beyond that allowed in table 2456, one original and Ten (11) copies of a gross floor area/lot coverage worksheet signed by the Town Planner or his/her designee.
 - e) For **new construction or addition(s) to an existing structure(s)**, **Eleven (11) copies of a Certified Plot Plan** must be presented showing setbacks of the existing structure(s) and new addition(s).
 - f) **Condominiums.** The following must be supplied if the structure is a condominium:
 - i) One original and Nine (9) copies of a signed document from the condominium association attesting to the fact that the applicant's proposal does not conflict with their rules/regulations and/or master deed if such are applicable, or that the condominium association has approved the project.

- ii) One original and Nine (9) copies of a letter of approval from the Bourne Fire Department attesting that there are no safety, traffic or other problems related to the proposed alterations.
 - iii) One original and Nine (9) copies of a Certified Plot Plan.
 - iv) For all applications concerning Hideaway Village or any property therein:
- 3) The following items may be included for clarification, and may be required by the Board if a majority of the Board deems it necessary in order to make an informed decision:
 - a) Detail structure plans, which would further clarify the applicant's intent and provide the Board with additional information to assist them in their determination.
 - b) Any other pertinent documents that are part of the justification.
- 4) The application, filing fee and all plans/documentation are delivered to the Town Clerk who:
 - a) Verifies that all required documents are present.
 - b) Signs the **Application Packet Checklist**.
 - c) Date stamps and records the submittal.
 - d) Collects and deposits the application fee.
- 5) After submittal of the above documents to the Town Clerk, and paying the filing fee, the Town Clerk forwards all documents to the Zoning Board of Appeals Administrative Assistant who must schedule a hearing within sixty-five (65) days from the date the application is received.

Staking: Pre-hearing Instructions.

After an applicant files an application, and before the hearing, the applicant should expect one or more members of the Board of Appeals to visit the site of the proposed project. The applicant need not be present for such a visit. However, whenever an extension or alteration or new construction is proposed, the Board requires the applicant to stake out the location of the proposal so that each Board member will know prior to the hearing exactly where the proposal is located.

Hearing Instructions

Regular meetings for the Board of Appeals shall be held at 7:00 PM on the first and third Wednesday in the lower-level conference room in the Bourne Town Hall, or at such other times and locations as the Board deems convenient, after notification to all appropriate persons. Meetings will not be held on holidays or Election Day. Special meetings may be scheduled at the discretion of the Chairman of the Board or at the request of two members. Notice of a Special meeting shall be given to each member at least (48) hours before the time of said meeting. The Chairman will call the meeting to order and open the session. Meetings will follow a published agenda (See section 4.0). Parliamentary Procedures using Robert's Rules of Order will regulate the meeting and hearings. Minutes of each meeting will be recorded, taken and transcribed into hardcopy for review, final approval and filing with the Town Clerk.

Applicant hearings will follow these steps:

- 1) The Chairman will read the notice of hearing as advertised in the newspaper.
- 2) The Chairman announces the names of members of the Board who will hear the appeal. If there are not enough regular members present. The Chairman will select one or more alternates to complete the board. If an alternate is needed, the chairman will rotate alternate assignments for each hearing.
- 3) The applicant or his/her representative shall present their case to the Board.
- 4) The Building Inspector may be asked to explain to the Board the reason for the appeal.
- 5) The abutters to the property present at the hearing or any other interested party may be heard and their comment duly recorded.
- 6) The Board members vote to close the applicant and public comment portion of the hearing.
- 7) The Board members discuss and vote on the appeal.
- 8) The Chairman informs those present of the requirement for appealing a decision of the board within 20 days pursuant to Massachusetts General Law 40A.

9) Appendix A1 – Applicant Forms

- **Application Packet Checklist**
- **Hideaway Village Notification Forms**
- **Application Form for a Special Permit**
 - **Accessory dwelling**
 - **Extension or alteration of a pre-existing non-conforming structure or use**
 - **Use change**
- **Application Form for a Variance**
- **Notice of Appeal**

Town of Bourne
Zoning Board of Appeals

Application Packet Check List
(Please Check Appropriate Box)

Application: Special Permit ☐ Variance ☐ Building Inspector
Decision Appeal ☐

Applicant Name: _____ Telephone: _____

Property Address: _____

Submitted

YES NO N/A

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

The original and eleven (11) copies of the completed and signed Application.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Twelve (12) copies of the Bourne Assessors Map (from the Town Engineering Department).

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Twelve (12) copies Certified Plot Plan – (NOTE: *This is a required document for new construction, additions or modifications to existing structures.*)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Twelve (12) copies of a Building Plan if needed for clarification.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Twelve (12) copies of registered subdivision plans
(NOTE: *pertaining only to cases subdividing land*).

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Two (2) certified list of “Parties of Interest” (Abutters).

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Twelve (12) copies of driving directions to the property.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Twelve (12) copies of Lot Coverage Worksheet (page 22) signed by the Town Planner or his/her designee if applying for any Special Permit that involves additions of any kind.

*Please contact the Town Planner’s office for an appointment before filling out your application.
508-759-0600 ex. 1515*

Condominium Section - Additional Documents:

☐ ☐ ☐

Signed document from the condominium association attesting to the fact that the applicant's proposal does not conflict with their rules/regulations and/or master deed if such are applicable.

☐ ☐ ☐

Letter of approval from the Bourne Fire Department attesting that there are no safety, traffic or other problems related to the proposed alterations. *(This will be done in-house after the application has been submitted)*

The office of the Town clerk has determined that the following items are missing from the application:

(Signature) - Town Clerk

Date

Because all the homes at Hideaway Village are located on one parcel, the “List of Parties of Interest” provided by the Assessing Department to an applicant (see page 8) generally does not include a list of names and addresses of actual abutters to the locus of the applicant’s property, or those actually affected by the proposed project.

Therefore, to insure that the actual parties in interest receive notice of the hearing before the Board of Appeals, both notices set forth in the appendix must be sent:

- 1) To be sent with the notice of hearing by Hideaway Village Association to all affected unit owners:

RE: [Name of owner and address of unit at which project may be built]

NOTIFICATION TO AFFECTED UNIT OWNERS OF BOARD OF APPEALS HEARING

You are hereby notified that if the Hideaway Village Association approves the project at the above address, the applicant will still be required to obtain a Special Permit from the Town of Bourne Board of Appeals. You have a right to be present and heard at the hearing before the Board of Appeals. You should contact the Bourne Town Hall to learn the date, time, and place of the Board of Appeals hearing.

The following Certification should be filed with all applications from Hideaway Village residents for a Special Permit.

CERTIFICATION

I hereby certify that the following persons were considered to be affected unit owners and were sent the above notification concerning the Board of Appeals’ hearing on the Special Permit being requested by _____, by certified or registered mail on _____ (date):

<u>Name</u>	<u>Unit Address at Hideaway Village</u>
-------------	---

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Hideaway Village Authorized Representative

- 2) To be sent by the applicant or by the Hideaway Village Association at the same time that notices to the abutters are sent concerning the Board of Appeals hearing:

RE: [Name and address of Applicant]

NOTIFICATION TO AFFECTED UNIT OWNERS OF BOARD OF APPEALS HEARING

You are hereby notified that the Hideaway Village Association has approved a building project at the above address. The applicant is still required to obtain a Special Permit from the Town of Bourne Board of Appeals. You have a right to be present and heard at the hearing before the Board of Appeals, which will be held at the Bourne Town Hall on _____, 20____, at _____ pm.

The following Certification should be filed with all applications from Hideaway Village residents for a Special Permit.

CERTIFICATION

I hereby certify that the following persons were considered to be affected unit owners and were sent the above notification concerning the hearing by the Board of Appeals on the Special Permit being requested by _____, by certified or registered mail on _____ (date):

<u>Name</u>	<u>Unit Address at Hideaway Village</u>
-------------	---

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Applicant or Hideaway Village Authorized Representative

**Town of Bourne
Zoning Board of Appeals**

**APPLICATION FOR SPECIAL PERMIT
ACCESSORY DWELLING - Sections 4120- 4123 of the Bourne Zoning Bylaw
Under Massachusetts General Laws, Chapter 40A, Section 9**

Date: _____

1. Applicant Full Name: _____
2. Mailing Address: _____
3. City/State/Zip: _____
4. Telephone: _____ Email: _____
5. Property Owner Full Name (if different): _____
6. Mailing Address: _____
7. City/State/Zip: _____
8. Telephone: _____
9. Property Affected Address: _____
10. Village/Section of Town: _____
11. Zoning District: _____ Map: _____ Parcel _____ Book: _____ Page: _____
12. Dimensions of Lot: _____ Area: _____
(Frontage) (Minimum Average Width) (Square Feet)
13. Describe specifically the nature of your request:

Application for Special Permit (continued)

14. Is the single family dwelling in conformance with Section 2450 of the Zoning Bylaw **YES / NO** (Circle one – **NOTE: The non-conforming lot coverage worksheet with calculations must be included**).

15. Generally state or attach information necessary explaining what impact, if any, granting the Special Permit will have upon pedestrian and vehicular flow and safety.

16. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon the adequacy of utilities and other public services.

17. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon the natural environment.

18. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon nearby developed premises.

19. Is the property affected in a Water Resource district, and if so, generally state or attach information explaining the contribution, if any, granting the Special Permit will have to the cumulative impact upon public water supplies.

Application for Special Permit (continued)

20. Generally state or attach information explain what impact, if any, granting the Special Permit will have upon the Town's needs for year-round housing available for persons of all income levels.

21. Has the Board of Health documented to the Board of Appeals that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on the site?

YES / NO (Circle one).

22. Will parking as required by Section 3320 of the Bourne Zoning Bylaw be provided either in a garage or on paved surfaces not located within any required yard and the particular circumstances of the requested special permit make such use appropriate? **YES / NO** (Circle one). Explain.

23. Explain how the site characteristics and building design will assure mitigation of any impacts on the neighborhood and will effectively avoid any departure from the character of the neighborhood.

24. Explain how occupancy of the unit will serve significant community purposes such as:

- a. Facilitating care for the elderly or handicapped.
 - b. Provide housing at an unusually low cost.
-
-

25. Will the proposal have an excessive contribution to the cumulative impact upon public water supplies, and if not, why not?

26. Supporting Documents: (***Check what documents are included***)

Bourne Assessors Map ☐ Plot/Site Plan ☐

Building Plan ☐ List of Abutters ☐ Other: _____

GFA/Lot Coverage Worksheet: _____

Board of Health documentation ☐ Directions to the site. ☐

Applicant Signature: _____

Date: _____

**Town of Bourne
Zoning Board of Appeals**

**APPLICATION FOR SUPPORTIVE FINDING FOR PERMISSION
TO EXTEND OR ALTER A PRE-EXISTING NON-CONFORMING STRUCTURE
OR USE under Section 1331, Section 2320**

and/or

**APPLICATION FOR SPECIAL PERMIT under Section 2450 of the Bourne Zoning
Bylaw and under Massachusetts General Laws, Chapter 40A, Section 9**

Date: _____

1. Applicant Full Name: _____

2. Mailing Address: _____

3. City/State/Zip: _____

4. Telephone: _____ Email: _____

5. Property Owner Full Name (if different): _____

6. Mailing Address: _____

7. City/State/Zip: _____

8. Property Affected Address: _____

9. Village/Section of Town: _____

10. Zoning District: _____ Map: _____ Parcel _____ Book: _____ Page: _____

11. Dimensions of Lot: _____ Area: _____
(Frontage) (Minimum Average Width) (Square Feet)

12. Describe specifically the nature of your request:

Application for Special Permit (continued)

13. Generally state or attach information necessary explaining what impact, if any, granting the Special Permit will have upon pedestrian and vehicular flow and safety.

14. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon the adequacy of utilities and other public services.

15. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon the natural environment.

16. Generally state or attach information explaining what impact, if any, granting the Special Permit will have upon nearby developed premises.

17. Is the property affected in a Water Resource district, and if so, generally state or attach information explaining the contribution, if any, granting the Special Permit will have to the cumulative impact upon public water supplies.

Application for Special Permit (continued)

18. Generally state or attach information explain what impact, if any, granting the Special Permit will have upon the Town's needs for year-round housing available for persons of all income levels.

19. If the application is for an extension or alteration of a non-conforming structure or use, state generally attach information explaining why the extension or alteration will not be substantially more detrimental to the neighborhood than the existing non- conforming use or structure.

20. If the application is for a Special Permit to exceed the maximum gross floor area or lot coverage permitted by the Table in section 2456 of the bylaws, please state:

- a) The current gross floor area, in square feet and as a percentage of the lot area:
sq. ft. _____%
- b) The maximum gross floor area allowed by the Table, in square feet and as a percentage of the lot area: _____sq. ft. _____%
- c) The gross floor area after the project is complete, in square feet and as a percentage of the lot area: _____sq. ft. _____%
- d) The current lot coverage, in square feet and as a percentage of the lot area:
- e) sq. ft. _____%
- f) The maximum lot coverage allowed by the Table, in square feet and as a percentage of the lot area: _____sq. Ft. _____%
- g) The lot coverage after the project is complete, in square feet and as a percentage of the lot area: _____ sq. ft. _____%
- h) What is the "good and sufficient cause" such that the failure to grant the increase/departure from the Table would result in exceptional hardship to the applicant, or what is the conflict with existing laws.
- i) State the minimum increase/departure from the Table that will afford the applicant relief from the hardship, or from a conflict with existing laws:
- j) Gross floor area: _____sq. ft.____ %
Lot coverage: _____sq. ft. _____%.

Application for Special Permit (continued)

21. Attach the "Nonconforming Lot Coverage Worksheet" with the necessary calculations for maximum floor area, maximum lot coverage and maximum building height as defined by the table detailed in Section 2456, signed by the Town Planner or his/her designee.
22. Supporting Documents: ***(Check what documents are included)***
Bourne Assessors Map ☐ Plot/Site Plan ☐
Building Plan ☐ List of Abutters ☐ Other: _____
Directions to the site ☐
Gross Area/Lot Coverage Worksheet: _____

Applicant Signature: _____

Date: _____

2456. Table

Nonconforming Lot Size (square feet)	Maximum Gross Floor Area To Lot Area	Maximum Lot Coverage	Maximum Building Height
Less than 6,000	25%	25%	25 feet
6,000 to 7,000	25%	25%	26 feet
7,001 to 8,000	24%	25%	27 feet
8,001 to 9,000	24%	25%	28 feet
9,001 to 10,000	23%	25%	29 feet
10,001 to 11,000	23%	25%	30 feet
11,001 to 12,000	22%	24%	31 feet
12,001 to 13,000	22%	23%	32 feet
13,001 to 14,000	21%	22%	33 feet
14,001 to 15,000	21%	21%	34 feet
15,001 or more	20%	20%	35 feet

2457. Departure. The Board of Appeals may for “good cause” grant a Special Permit for departure from the requirements of Table 2456 but only in the case of Maximum Gross Floor Area and Maximum Lot Coverage in either case provided that all the following are shown:

Good and sufficient cause; Failure to grant the departure would result in exceptional hardship to the applicant; or conflict with existing laws.

The departure must be the minimum necessary to afford relief and not exceed an increase greater than ten percent (10%) of the calculated area.

Example: Lot Size 10,000 s.f. x 23% = 2300 s.f. (GFA allowed).

Maximum relief allowed upon evidence of exceptional hardship, 2300 s.f. x 10% = 230 s.f.

Total GFA = 2530 s.f.

Lot Size		Max Gross		Lot Coverage	
% used to determine GFA requirements		First Floor		Dwelling	
Maximum GFA =		Second Floor		Garage	
		Garage*		Deck/Porch	
% used to determine lot coverage requirements		Porch*		Shed	
Maximum Lot Coverage =		Basement		Storage container	
		Other		Gazebo	
				Swimming Pool	
Building Height (also see definition)		total:		Total:	

Good and sufficient cause; Failure to grant the departure would result in exceptional hardship to the applicant; or conflict with existing laws.

The departure must be the minimum necessary to afford relief and not exceed an increase greater than ten percent (10%) of the calculated area.

Example: Lot Size 10,000s.f. x 23% = 2300 s.f. (GFA allowed). Maximum relief allowed upon evidence of exceptional hardship, 2300 s.f. x 10% = 230 s.f.
Total GFA = 2530 s.f.

Town Planner or Designee

Date

This only a verification that the numbers provided on this worksheet are accurate based upon the certified plans provided by the applicant.

**Town of Bourne
Zoning Board of Appeals**

**APPLICATION FOR SPECIAL PERMIT
CHANGE OF USE - Section 2340 of the Bourne Zoning Bylaw**
Under Massachusetts General Laws, Chapter 40A, Section 9

Date: _____

1. Applicant Full Name: _____
2. Mailing Address: _____
3. City/State/Zip: _____
4. Telephone: _____ Email: _____
5. Property Owner Full Name (if different): _____
6. Mailing Address: _____
7. City/State/Zip: _____
10. Property Affected Address: _____
11. Village/Section of Town: _____
12. Zoning District: _____ Map: _____ Parcel: _____ Book: _____ Page: _____
13. Dimensions of Lot: _____ Area: _____
(Frontage) (Minimum Average Width) (Square Feet)
14. Describe specifically the nature of your request:

Application for Special Permit (continued)

- 15) Generally state or attach information necessary explaining what impact, if any, granting the Special Permit will have upon pedestrian and vehicular flow and safety.

- 16) Generally state or attach information necessary explaining what impact, if any, granting the Special Permit will have upon the adequacy of utilities and other public services.

- 17) Generally state or attach information necessary explaining what impact, if any, granting the Special Permit will have upon the natural environment.

- 18) Generally state or attach information necessary explaining what impact, if any, granting the Special Permit will have upon nearby developed premises.

- 19) Is the property affected in a Water Resource district, and if so, generally state or attach information necessary explaining the contribution, if any, granting the Special Permit will have to the cumulative impact upon public water supplies.

Application for Special Permit (continued)

- 20) Generally state or attach information explain what impact, if any, granting the Special Permit will have upon the Town's needs for year-round housing available for persons of all income levels.

- 21) Generally state or attach information necessary explaining how the extension or alteration by the requested Special Permit will not be substantially detrimental to the neighborhood than the existing non-conforming use or structure.

- 22) Generally state or attach information (*necessary*) explaining how the proposed use will not result in externally observable attributes more damaging to or inharmonious with the environs than those of the use being replaced. (*the requested Special Permit will not be more damaging to or inharmonious with the surroundings than those of the use being replaced.*)

- 23) Generally state or attach information explaining how the proposed use (*the requested Special Permit*) will not generate traffic that will excessively exceed that normally expected in the neighborhood.

Application for Special Permit (continued)

24) Generally state or attach information explaining how the proposed use (*the requested Special Permit*) will not create a nuisance or hazard.

25) Generally state or attach information explaining how the proposed use is no (*the requested Special Permit will not be*) more objectionable to the neighborhood than the current use.

26) Supporting Documents: (***Check what documents are included***) Bourne Assessors Map ☒ Plot/Site Plan ☒

Building Plan ☐ List of Abutters ☐ Other: _____

Directions to the site ☐

Applicant Signature: _____

Date: _____

**Town of Bourne
Zoning Board of Appeals**

**APPLICATION FOR SPECIAL PERMIT KENNEL -
Section 2220 of the Bourne Zoning Bylaw Under
Massachusetts General Laws, Chapter 40A, Section 9**

Date: _____

1) Applicant Full Name: _____

2) Mailing Address: _____

3) City/State/Zip: _____

4) Telephone: _____ Email: _____

5) Property Owner Full Name (if different): _____

6) Address: _____

7) City/State/Zip: _____

8) Telephone: _____

9) Property Affected Address: _____

10) Village/Section of Town: _____

11) Zoning District: _____ Map: _____ Parcel _____ Book: _____ Page: _____

12) Dimensions of Lot: _____ Area: _____
(Frontage) (Minimum Average Width) (Square Feet)

13) Describe specifically the nature of your request:

Application for Special Permit (continued)

- 14) Generally state or attach information explaining how the proposed use will not result in externally observable attributes more damaging to or inharmonious with the environs than those of the use being replaced (*i.e. explain how the requested Special Permit will not be more damaging to or inharmonious with the surroundings than those of the use being replaced*).

- 15) Generally state or attach information explaining how the proposed use will not generate traffic that will excessively exceed that normally expected in the neighborhood.

- 16) Generally state or attach information explaining how the proposed use will not create a nuisance or hazard.

- 17) Generally state or attach information explaining how the proposed use is no more objectionable to the neighborhood than the current use.

18) Supporting Documents: (***Check what documents are included***)

Bourne Assessors Map ☐

Plot/Site Plan ☐

Building Plan ☐

List of Abutters ☐ Other: _____

Directions to the site. ☐

ACO Report____

Applicant Signature:_____

Date:_____

Town of Bourne
Zoning Board of Appeals
PETITION FOR VARIANCE FROM THE BOURNE ZONING BYLAW
Under Massachusetts General Laws, Chapter 40A, Section 10

Date: _____

1. Applicant Full Name: _____
2. Mailing Address: _____
3. City/State/Zip: _____
4. Telephone: _____ Email: _____
5. Property Owner Full Name (if different): _____
6. Mailing Address: _____
7. City/State/Zip: _____
8. Telephone: _____
9. Property Affected Address: _____
10. Village/Section of Town: _____
11. Zoning District: _____ Map: _____ Parcel _____ Book: _____ Page: _____
12. Dimensions of Lot: _____ Area: _____
(Frontage) (Minimum Average Width) (Square Feet)
13. What section(s) of the Zoning Bylaw are you seeking a Variance from: _____
[Refer to Section Number(s)]
14. Describe briefly the nature of your request: _____

Petition of Variance (continued)

15. Generally state or attach information necessary to answer the following:

- a) What conditions relating to the soil conditions, shape or topography of the land affect this parcel of land but are not affecting the zoning district in which the parcel is located?

- b) How would substantial hardship, financial or otherwise be imposed on the petitioner or applicant by literal enforcement of the Zoning Bylaw?

- c) Why would the requested variance not be substantially detrimental to public good?

- d) Why would the requested variance not nullify or substantially derogate from the intent or purpose of the Zoning Bylaws?

16. Supporting Documents: **(Check what documents are included)**

Bourne Assessors Map: ☐ Plot/Site Plan: ☐ Building Plan: ☐

List of Abutters ☐ Other: _____

Directions to the site ☐ Lot Coverage/Gross Floor Area Worksheet: _____

Petitioner Signature: _____ **Date:** _____

**Town of Bourne
Zoning Board of Appeals**

**NOTICE OF APPEAL OF THE DECISION OF THE BUILDING INSPECTOR
Under Massachusetts General Laws, Chapter 40A, Section 8**

Date: _____

1. Applicant Full Name: _____

2. Address: _____

3. City/State/Zip: _____

4. Telephone: _____

5. Property Owner Full Name (if different): _____

6. Address: _____

7. City/State/Zip: _____

8. Telephone: _____

9. Property Affected Address: _____

10. Village/Section of Town: _____

11. Zoning District: _____ Map: _____ Parcel _____ Book: _____
Page: _____

12. Dimensions of Lot: _____ Area: _____
(Frontage) (Minimum Average Width) (Square Feet)

13. Applicable section(s) of the Bourne Zoning Bylaw: _____
[Refer to Section Number(s)]

14. Describe specifically the reasons and grounds for the appeal:

Notice of Appeal (continued)

15. Supporting Documents: (***Check what documents are included***)

Copy of Building Inspectors Decision (***Required***) ☐ Plot/Site Plan ☐

Building Plan/ Other: _____

Directions to the site. ☐ Lot Coverage/Gross Floor Area Worksheet: _____

Applicant Signature: _____

Date: _____