

## INSTRUCTION SHEET FOR ZONING BOARD OF APPEALS PETITIONS

The following sections must be fully completed before a Zoning Board petition can be acted upon by the Board. The board reserves the rights to either refuse to accept or return for additional information any petition, which is not completed according to these directions.

### SECTION 1. PETITION FOR PUBLIC HEARING

- A. Check one of the three boxes, whichever applies to the nature of your request.
- B. Describe the location of the property and the particular use you wish to make of the land and buildings in the request. You must be **specific** about both. The location must include the street address, assessor's map and lot number, zoning district and the WRPD District.  
Example: to allow an addition of 12' x 20' to the building located at 00 Nickerson Avenue, assessor's map --, lot #, zoning district RB, WRPD (A or B) presently used as a residence, for the purpose of a dental office by the owner occupant. There will be a maximum of three employees.
- C. Complete as per directions.
- D. Complete as per directions on a separate sheet of paper. This information may be obtained from the Assessor's office.

### SECTION II. ADDITIONAL INFORMATION THAT MUST BE SUBMITTED WITH THE PETITION

- A. A site plan must be submitted with each petition. To enable the Board of Appeals to give proper consideration to the plan submitted, such plan should incorporate the requirements listed below in the form of a plot plan to a reasonable scale.
  - Show locus to a reasonable scale. (Use corner of site plan page.)
  - Show existing and proposed street line and names.
  - Show existing and/or purposed building, including accessory buildings.
  - Show driveway and driveway openings.
  - Show natural waterways (if any).
  - Show set back differences from the street and the abutters.
  - Show the footage for all lines of the property and the total area (either in square footage or acreage).
  - Identify the abutters, owners of the land directly opposite on any street, abutters to abutters within three hundred feet of the property line of the petitioner.  
**The abutter's list must be certified** by the Middleboro Assessor's office and submitted with the application.
- B. If your petition request alterations or additions to a building or structure detailed plans which show the proposed alterations or additions should be submitted. These plans should include:
  - Dimensions of the addition
  - Detailed landscaping plan
  - Proposed lighting plan
  - If requested by the board, detailed drainage calculations
  - Proposed sign plan with dimensions
  - Where proposed parking would be located
- C. Each applicant must accurately define in writing, the character and boundaries of the existing neighborhood in which the property is located. The character of any neighborhood is usually a composite of many factors including by not limited to businesses, single family dwellings,

multi family dwellings, bodies of water, open space, traffic, recreational opportunities, schools, etc. The boundaries of any neighborhood are usually defined by the street (or portions of streets) and/or by the blocks that are in the vicinity of the applicant's property. Do not generalize.

- D. Failure to properly present all-important facts may result in either a delay or the dismissal of the petition.

**SECTION III. ADDITIONAL INFORMATION**

- A. There is a filing fee which is payable to the Town of Middleborough. **THIS FEE IS NON-REFUNDABLE.**

**ZONING BOARD OF APPEALS  
APPLICATION FEE SCHEDULE  
*Effective date: January 11, 2007***

All single family and two family	\$400.00
Business in the home	450.00
Appeal of the Building Inspector or any Town Board	300.00
All continuances at the petitioners request	75.00
Commercial Projects	1000.00
Communication Towers	2000.00
Dog Kennel Fees	
Private Kennel (4-5 dogs)	300.00
Hobby Kennel (6-10 dogs)	600.00
Commercial Kennel (unlimited)	900.00
Three or more Apartments/Condominium/Comprehensive permits	2000.00 plus 50.00 per unit
Business District Site Plan Review	
- All new construction and/or major renovations that would change the footprint or height of the building	500.00
- All others ( <i>no advertising required</i> )	50.00
All other petitions and all other procedural matters	300.00

*The board agreed that any existing procedures for a special permit, such as apartments above street level, shall remain as they previously were.*

The above fees do not include engineering review fees, roadway inspections, or any other fee that may be involved with the review or impact of the project as determined by the board as necessary.

**NOTE: These fees do not include the cost of advertisement.**

- B. The petitioner must also pay the cost of a legal advertisement (which is subject to change) in the Middleboro Gazette. Payment will be required prior to opening the hearing in the amount determined by South Coast Media Group. A check or money order should be made payable to **Nemasket Week**. The advertisement must appear in the Gazette for two consecutive Thursdays. **(\$150.00)**
- C. File the following at the Town Clerks office:
  - Eight (8) copies of the application and site plan and any additional plans being submitted. Please provide one digital copy via email.
  - One (1) certified abutter's list
- D. The petitioner or representative must attend the hearing. The petitioner should bring to the hearing any documents, plans, witnesses, or other information or materials that will be necessary to substantiate the request.
- E. The petitioner will be notified of the time and date of the hearing. The hearings are normally scheduled for the second and fourth Thursday of the month at 7:30 P.M. The hearings are held in the Selectmen's Room at the Town Hall.
- F. If there is a request on the part of the petitioner for a continuance to a later date there will be a fee of \$75.00 for each continuance.
- G. Within fourteen (14) days of the final hearing in which a decision has been reached the report will be filed with the Town Clerk.
- H. After a twenty day appeal period has expired from the time of the filing, the petitioner will be mailed a packet of information. The applicant must file this information must be filed with the Registry of Deeds in Plymouth. You must notify the Building Inspector and the Zoning Board with proof of filing.

Please do not hesitate to call the Zoning Office at (508) 947-4095 with any questions you may have.

**Please see the attached requirements for the Business District Site Plan Review**

***Business District Site Plan Review***

***Submission Requirements***

***(Please see Business District By-law for complete regulations)***

Submission Requirements may include drainage calculations, existing and projected traffic volumes from the site and effect on local roads (where deemed necessary by the SPAA) and other information deemed by the SPAA to be necessary to determine compliance with the provisions of this By-law. Submission shall also include four (4) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the SPAA. All plans shall include a Site Plan Approval endorsement block.

The four plans are as follows:

- a. Site Layout Plan**- showing boundaries of the lot, proposed structure, setbacks from property lines, driveways, parking areas, fences, walls, pedestrian walkways, lighting, loading facilities. The Site Layout Plan shall show the relation to existing areas, buildings and roads for a distance of one hundred (100) feet from the project boundaries or such other distance as may be approved or required by the SPAA.
  - b. Topography, Drainage and Utility Plan** - showing the existing and proposed topography at one foot contour intervals with spot grades provided where necessary, proposed drainage system including onsite structures and offsite discharge point, roof leaders, etc., facilities for refuse disposal or storage of wastes, and the location of water and sewer mains, service connections and hydrants.
  - c. Architectural Plan** - to include the ground floor plan, dimensions including height, materials and architectural elevations of all sides of the proposed building with full color rendering. Rooftop units and structures shall be shown to scale.
  - d. Landscape Plan** - showing the limits of work, existing tree line and trees with a diameter greater than 4", and all proposed landscape features and improvements including planting areas with spacing, size and type of stock for each shrub or tree and surface treatment for all planting beds.
1. Applications for Site Plan Approval shall be filed with the Town Clerk.
  2. Copies of submissions for Site Plan Approval shall be submitted by the applicant to the Historical Commission, Planning Board and Building Commissioner at the time of

- application to the SPAA. Said boards or agencies shall make such recommendations as they deem appropriate. Copies of such recommendations shall be sent to the SPAA and to the applicant, provided however, that failure of any such boards or agency to make recommendations within 14 days of receipt by such boards or agency of the petition shall be deemed lack of opposition thereto.
3. The SPAA shall take final action on the request for Site Plan Approval within 30 days of the Town Clerk's receipt of the application, or such further time as may be agreed upon at the written request of the owner. Copies of the endorsed site plan shall be filed with the Town Clerk and the Building Commissioner.
  4. The SPAA may, upon written request of the owner, waive any of the submission requirements for Site Plan review within this section where the development involves relatively simple plans or constitutes a minor site plan. A minor site plan is defined as exterior building renovations only that do not involve a change or expansion of use. Submission requirements for a minor site plan will be limited to relevant architectural plans.
  5. An as-built plan, certified by a registered professional land surveyor or engineer shall be submitted to the SPAA and Building Commissioner before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives where applicable.
  6. No deviation from an approved site plan shall be permitted without modification thereof by the SPAA including any subsequent division of the land.
  7. Where a Special Permit is required for the proposed work, Site Plan Approval shall be consolidated with the Special Permit procedures, and the SPGA shall determine that the Special Permit use complies with all of the requirements and provisions of Site Plan Review as part of the Special Permit proceeding.

#### **SIGN SUBMISSION REQUIREMENTS:**

1. A plan shall be submitted by the applicant showing all permanent signs in detail and as they are proposed to be installed on the building or structure. Plans shall include color, materials, lettering, lighting and proposed mounting details.
2. General Requirements: Sign Plan Approval may be granted only in accordance with the following requirements:

- a. Signs, including brackets and mounting appurtenances, shall be consistent with building design.
- b. No sign shall extend above the roof line or façade, whichever is higher; roof signs shall not be permitted.
- c. No signs shall be flashing, shimmering or consist of rotating lights.
- d. Moving or rotating signs shall not be permitted with the exception of barber poles.
- e. No sign shall be placed which prevents the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic.
- f. Multiple signs on a building should be coordinated for shape, materials, colors, typefaces and graphics. Multiple signs on a building should be aligned with each other and with adjacent buildings.
- g. Signs should not hide architectural detailing.
- h. Individual letters may be mounted on the building
- i. Signs may be applied to cloth or awnings which conform to the requirements of this section. Lettering may be painted on windows.
- j. Where Site Plan Approval is required for the proposed work, approval of a sign plan shall be consolidated with the Site Plan Approval procedures, and the SPAA shall determine that the Site Plan Approval complies with all of the requirements and provisions of Sign Plan Review as part of the Site Plan Approval proceeding.

### 3. Sign Dimensions:

- a. The display of one (1) free standing sign placed on the lot pertaining to the use or uses of the premises with a total area of not more than twelve (12) square feet in surface area per side. Said free standing sign shall be limited to two (2) sides and total sign height shall not exceed fifteen (15) feet.
- b. A wall mounted sign with up to one square foot of sign per running foot of a front building wall. The length of the sign shall not exceed 60% of the front building wall length.
- c. Signs which are permitted to overhang a public way or project from the front face of a building or structure shall not exceed nine (9) square feet in surface area per side. Such signs shall not project more than three (3) feet from the front face of the building or structure wall and shall be at least eight (8) feet above the ground.