



# City of Marlborough Zoning Board of Appeals

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

## Procedures/Information in Applying for a Zoning Board of Appeals (ZBA) Hearing

1. Building Dept. and/or official Board/Administrator – The applicant must fill out a Building Permit Application Form (if applicable). The Building Inspector and/or city official/Administrator will review your proposal and will deny said proposal. Only after a **written** denial can you apply for a hearing before the Zoning Board of Appeals. By law, a ZBA application must be filed within **30 days** of the date of the denial decision. The “decision” refers to the decision made by an administrative office, usually the Building Inspector, with reference to a permit or other zoning enforcement action.
2. **Application Form** – Application for a Hearing – Fill out the application form and return to the Zoning Board’s secretary. A filing fee is involved, as noted on the application. Make check **payable to the City of Marlborough**. (Attach a copy of the denial letter from the Building Inspector and/or city official/administrator.)
3. The secretary will place two (2) legal ads in the Metro West Daily or the Marlborough Enterprise Weekly newspaper. The applicant is responsible for the payment of the two (2) legal ads which is billed directly by the newspaper to the applicant.
4. **Abutters Notification** - The secretary will mail to the applicant a recent certified list of abutters generated from the Assessor’s Office, along with the Notice of Hearing to be mailed to the abutters.
5. 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 (14 days) prior to the hearing. Documentation of this mailing and delivery receipts for the abutter notices must be submitted to the Zoning Office prior to the hearing. Types of proof of mailing: Certified Mail or Certificate of Mailing.
6. **Plan submittal:** Each application and petition to be the Board shall be accompanied by (10) copies of the following described plans:  
  
The size of the site plan shall be 8 1/2 x 11 or 11 x 17 drawn to scale: it shall have a north point, names of streets, zoning districts, property lines and location of buildings on surrounding properties. The location and setbacks of all buildings to the lot lines, length of lot lines, and use of the property where a variance(s) is requested shall be shown accurately. The distance from buildings on adjacent lots shall be shown to approximate scale. The lot coverage (the percentage of the lot covered by the principal and accessory buildings and all driveways and parking spaces) shall be shown. Entrances, exits, driveways and parking spaces shall be shown. The plans shall make clear what now exists and what is proposed. Also provide an interior floor plan (if relevant) showing any proposed changes.
7. After the hearing has taken place, it will be approximately fourteen (14) days before the Board’s decision is filed with the City Clerk. 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 Zoning Board Secretary.

8. There is a twenty (20) day appeal period that starts on the decision filing date. The appeal period must elapse before the City 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 City Clerk cannot certify the decision until the appeal has been fully adjudicated.

9. After the Board's approval of an Appeal has been certified by the City Clerk, **the Applicant must have this approval recorded at the Registry of Deeds.** Until this recording has occurred, the Appeal will not take effect. **Documentation of recording must be provided to the Building Dept. before a building permit will be issued.**

**Note:** The Zoning Board of Appeals normally meet on Tuesday evenings. There are no set dates as to when the Board meets, only when there are cases to be heard. When the Board's secretary is provided with all the appropriate material for a hearing, it usually takes at least 25 plus days to schedule a hearing date.

## CITY OF MARLBOROUGH Zoning Board of Appeals

### APPLICANT INFORMATION

*Official Use:* Date Received - City Clerk's # ZBA Case #

Name and Address of Applicant:

Name and Address of Representative:

Phone # of Applicant or Representative:

Cell # of Applicant or Representative:

Fax # of Applicant or Representative:

E-mail address of Applicant or Representative:

### **Project Location:**

Zoning District:

Map:

Parcel:

### FILING FEE

Filing fees are based upon the proposed **USE** of the property:

- |  |          |
|--|----------|
| 1. Residential Non-revenue bearing.....                              | \$130.00 |
| 2. Residential Revenue bearing.....                                  | 250.00   |
| 3. Business, Commercial or Automotive.....                           | 375.00   |
| 4. Industrial, Limited or Full.....                                  | 500.00   |
| 5. Comprehensive up to 50 units.....                                 | 600.00   |
| 51 to 100 units.....   | 800.00   |
| 101 to 150 units.....  | 1,200.00 |
| 151 and over units.....  | 2,000.00 |
| 6. Special Permit (Flood Plain and Wetland Protection District)..... | 450.00   |

Applicant is:    Owner    Tenant    Prospective Purchaser    Other

Official Title of Administrative Officer from which appeal is taken:

Submit copy of denial letter from  
Official Administrative Officer.

Is this application for a:

- Variance  
 Special permit  
 Other (state)

The section of the Zoning Ordinance in question: Chapter 650, Article(s), Section(s), Paragraph(s), Sub-section(s):

**PROPOSAL**

Use a separate sheet of paper for more space...

I hereby request a hearing before the Board of Appeals in reference to the above noted proposal. And I am hereby aware that 2 legal ads will be placed either in the Marlboro Weekly Enterprise or the Metro West Daily Newspaper which will be billed directly to the applicant and/or representative.

Applicant's signature: Please print or type:

Please sign –

Date:

And/Or Representative's Signature: Please print or type:

Please sign –

Date:

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The size of the site plan shall be 8 1/2 x 11 or 11 x 17 drawn to scale: it shall have a north point, names of streets, zoning districts, property lines and location of buildings on surrounding properties. The location and setbacks of all buildings to the lot lines, length of lot lines, and use of the property where a variance(s) is requested shall be shown accurately. The distance from buildings on adjacent lots shall be shown to approximate scale. The lot coverage (the percentage of the lot covered by the principal and accessory buildings and all driveways and parking spaces) shall be shown accurately. The distance from buildings on adjacent lots shall be shown to approximate scale. The lot coverage (the percentage of the lot covered by the principal and accessory buildings and all driveways and parking spaces) shall be shown. Entrances, exits, driveways and parking spaces shall be shown. The plans shall make clear what now exists and what is proposed. Also provide an interior floor plan (if relevant) showing any proposed changes.

The date and signature of the agent of the Zoning Board of Appeals will serve as certification as to when the application, accompanied by the proper filing fee, and plans were filed with the office. A copy of this application should be retained by the applicant(s).

***Official Use Only:***

Received from applicant, the sum of \$

Date:

Signature of the agent of the Zoning Board of Appeals:

Susan Brown – Board Secretary  
Department - Zoning Board of Appeals  
140 Main St.  
Marlborough, MA 01752  
Tel # 508-460-3768

Fax # 508-460-3747

E-mail address: [sbrown@marlborough-ma.gov](mailto:sbrown@marlborough-ma.gov)

**Guidelines**  
**Massachusetts General Laws Chapter 40A**  
**Section 10**

1. In order for the Zoning Board of Appeals to legally grant a variance, **all three findings must be made**, i.e. the Board **must** find:
  1. a substantial hardship, financial or otherwise
  2. no substantial detriment to the public good
  3. no substantial derogation from the intent and purpose of the ordinance.

And that owing to the **soil conditions, shape or topography** of the land or structures, but **not** affecting generally the zoning district in which it is located, a literal enforcement of the ordinance would bring about item (1) above.

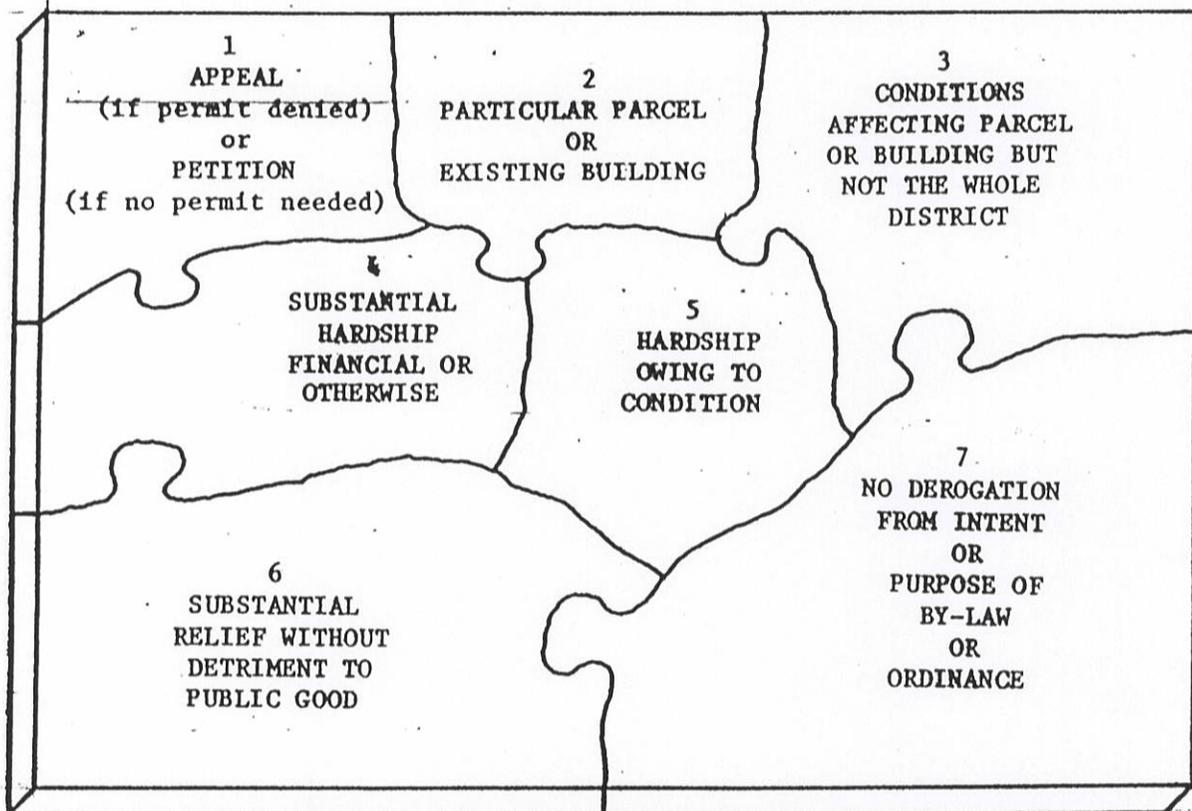
2. Regarding the definition of "**HARDSHIP**" once the above factors are considered, "**financial**" hardship can be used for a grounds of relief. However, the "financial hardship" to the applicants' or owners' of the land in question, must be as a result of it's unique conditions, not just the applicants' or owners' financial status.

3. Rights authorized by a variance (if one is granted) must be exercised within 1 year of the date the vote is submitted to the City Clerk's Office of such variance or such rights shall lapse. However, the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one (1) year period.

PLEASE KEEP FOR  
YOUR REFERENCE

## THE VARIANCE PUZZLE

YOU NEED ALL THE PIECES



In addition to meeting all of the above mentioned pre-requisites when presenting your case before the Zoning Board of Appeals, please supply the Board with the following information which can be retained for our files:

1. If you are the owner or prospective purchaser of the property in question, please note this on the application.
2. If prospective purchaser, do you have a purchase and sale agreement with present owner?
3. Plot plan(s) or sketch(es) of the property showing location and size of existing and propose structure(s), driveway(s), etc., and lot lines.
4. Indicate approximate locations of existing and propose structure(s), driveway(s), etc. or abutting properties from the lot lines of the property in question.
5. Photos pertaining to the property in question and of the surrounding neighborhood could be helpful.
6. Any and all other information which may be useful to the Board will be appreciated.

If any help is required in the preparation of the application form in requesting a hearing for a variance or special permit, please contact the Zoning Board of Appeals office at 508-460-3768.