

INSTRUCTIONS

1. FILING PROCESS

- a. **Documents.** Petitioner must complete the following forms (as accurately as possible) and file with the Town Clerk. If the petition is for an Administrative Appeal it must be filed within thirty days of the decision which is being appealed.

Required Forms:

- (1) Petition Cover Sheet – Form 1
- (2) Applicable Petition Details (Please Choose Relevant Form As Per Your Petition)
 - a. Request for Findings of Fact in Connection with a Petition for a VARIANCE - Form 2a
 - b. Request for Findings of Fact in Connection with a Petition for a SPECIAL PERMIT – Form 2b
 - c. Request for Findings of Fact in Connection with a Petition for a COMPREHENSIVE PERMIT – Form 2c
 - d. Petition for Hearing on an Administrative Appeal – Form 5
 - e. Petition for Amendment or Modification of Special Permit or Variance – Form 4
- (3) Certified List of Abutters and Planning Boards Form 3
- (4) Plans per SPECIFICATION FOR PLANS
- (5) Other documentation relevant to the petition (such as but not limited to letter of denial from Building Inspector)
- (6) Applicable Fees: Please provide two checks. A check for \$400 application fees made payable to “The Town of Sterling”, and a separate check, also to “The Town of Sterling”, for certified and first class postage mail for each abutter + the applicant. Please check current postage fees.

b. Filing Procedure for ZBA Hearings

(1) Petitioner

Before the Hearing

- complete the petition documentation completely, accurately, and legibly
- file the completed petition with the Town Clerk during regular office hours before the end of the second week of the month previous to the scheduled ZBA meeting. Note: If the above procedures are not followed or if the petition is incomplete, the hearing will be delayed
- file an appeal of Building Inspector orders within thirty (30) days of the date of the order, decision or action. Include a copy of the letter of notice from the Building Inspector as an attachment to the application. (MGL c40A, Zoning Act, Sec 15)
- provide the original application to the Town Clerk with 8 full copies for each of the ZBA, Planning Board, Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Police Chief, and Fire Chief.

After the Hearing

- if denied : appeal of ZBA decision, if desired, must be made to appropriate Massachusetts Court within the 20 day holding period
- if granted: file and record certified Variance decisions as an Attachment to the deed of the property at the Registry of Deed in Worcester after the 20 day no appeal period
- file and record certified Special Permit decisions at the Registry of Deeds in Worcester.

(2) Town Clerk

- receive and date stamp the original application and all copies
- maintain the original application on file for public inspection

Appeals Process

- forward the application and copies to the ZBA Administrative Assistant
- post a notice of hearing at the Town Hall
- hold ZBA decision on file for a period of 20 days
- certify ZBA decisions, if no appeal is filed, at the end of the 20 day holding period

(3) **ZBA Administrative Assistant**

- check application for completeness and inform applicant if any missing information or fees are needed.
- prepare and send the legal notice for publication in the newspaper
- prepare and send the First Class and Certified abutter notices to applicant, abutters, and all parties in interest
- distribute the application copies to ZBA members, town boards and officials as noted above
- give the check to the Town Treasurer and provide a copy of receipt to the Town Accountant
- provide full copy of application and notice for Town Clerk to maintain
- record the proceedings of the hearing
- prepare ZBA decision within 14 days of the action to be filed with Town Clerk
- notify applicant, abutters, and parties in interest of ZBA decision

(4) **ZBA**

- at duly announced open meeting hear the applicant plead the case
- at open meeting determine and assess any additional fees for engineering, legal and/or consultant expense
- deliberate decision based on information documented in the application and presented at the hearing, the requirements of the ByLaws, and the provisions of the MGL
- In most cases, make a decision immediately following the closing of the hearing. If a decision is not reached at the hearing, it will be made at an open meeting of the ZBA as follows:
 - (a) decision for a Variance will be made within 75 days of the date of filing of the petition with the Town Clerk
 - (b) decision for a Special Permit will be made within 90 days of the date of hearing.

2. **SPECIFICATION FOR PLANS**

Each application, petition or appeal shall be accompanied by a plan of at least 8.5" x 11" or 11" x 16", drawn to a scale of 1" equals 40', or an appropriate legible size, containing the following information:

- Assessors Map and Lot Number
- An accurate instrument survey showing all structures, adjacent roadways and lot lines, signed by a professional land surveyor or a professional engineer
- Property lines and boundaries
- Name and address of record owner
- Names and location of adjacent streets
- North arrow and scale
- Zoning District and any zone lines in vicinity
- Existing and proposed buildings or additions including number of stories and height of all structures
- Plan(s) of any buildings or proposed buildings and all information pertinent to the application to include elevations and floor plans for new or remodeled construction
- Paved areas, existing and proposed parking or loading spaces
- Existing utility lines including septic, sewer, and underground structures
- Location of structures on adjoining property
- Lot area and dimensions, including setbacks where new construction or additions are proposed
- Detailed elevations for standing signs