



TOWN OF HOPEDALE
ZONING BOARD OF APPEALS
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

Christopher P. Hodgens, Chairman
Nicholas A. Alexander, Member
Sandra E. Biagetti, Member
Louis J. Costanza, Member
Scott M. Savage, Member

Checklist for Zoning Board of Appeals Hearing Application

The Zoning Board of Appeals (ZBA) is pleased to offer the following checklist to help you prepare an application for a hearing. This checklist is offered for guidance only, and is not intended as legal advice or a promise to grant relief. Please review the ZBA website for additional helpful information including references to the governing Massachusetts General Laws, detailed rules of procedure, the current zoning map, and the Hopedale Zoning By-Laws.

<input type="checkbox"/>	Complete "Request for Abutters List" from the Hopedale Assessor's Office. This "Request for Abutters List" is available on the ZBA website.
<input type="checkbox"/>	File "Request for Abutters List" with the Hopedale Assessor's Office. Allow 10 business days for the list to be prepared.
<input type="checkbox"/>	Submit check for \$25.00 payable to the "Town of Hopedale" to the Assessor's Office. This fee pays for the preparation of the "Abutters List."
<input type="checkbox"/>	Complete the "ZBA Application for a Hearing." This "ZBA Application for a Hearing" is available on the ZBA website.
<input type="checkbox"/>	File the "ZBA Application for a Hearing" with the Town Clerk. Please file one (1) original and seven (7) copies of <u>any</u> documents filed with the Town Clerk. These additional copies allow for efficient and timely distribution of your application to members of the ZBA.
<input type="checkbox"/>	File the "Abutters List" prepared by the Assessor's Office with the Town Clerk.
<input type="checkbox"/>	Submit a check for \$375 payable to the "Town of Hopedale" to the Town Clerk. This fee pays for the cost of newspaper advertising and postage required for public hearing notices.
<input type="checkbox"/>	File any supporting documents you wish to include with your "ZBA Application for a Hearing." Remember that you are seeking relief with legal consequences. You want this matter clearly documented with as much detail as possible. (see ZBA rules for more information). Please remember the seven (7) copies.
<input type="checkbox"/>	If site plan review is required, you MUST seek site plan approval before the Planning Board before any relief is sought before the ZBA (e.g., 10 or more parking spaces). For more information, see Hopedale Zoning By-Laws § 18.

Thank you for your cooperation in preparing for your ZBA hearing. Once your complete application package is filed, the ZBA will schedule a hearing within 65 days and will notify you. Members of the ZBA look forward to meeting you and reviewing your application.

Christopher P. Hodgens
Chairman
Hopedale Zoning Board of Appeals



Office of the Board of Assessors
P.O. Box 7
74 Hopedale Street
Hopedale, MA 01747
Principal Assessor Cheryl Hanly
Tel. (508) 634-2203 x 224
Email: chanly@hopedale-ma.gov

Office of the
Board of Assessors

REQUEST FOR ABUTTER'S LIST

Today's Date: _____

Requester's Name: _____

Mailing Address of Requester: _____

Requester's Contact Number: _____

Address of Subject Property: _____

Subject Property Parcel ID: Map: _____ Block: _____ Lot: _____

Requester's Signature: _____

Do you wish the Abutter's List to be?

Emailed to: _____

Mailed to: _____ or Picked up: _____

Purpose: Building/ZBA (300' Radius) ☐

ConCom (100' Radius) ☐

Other (please specify) ☐ _____

Do Not write below this line _____

Date Completed: _____

Completed By: _____

Cost: \$25.00 per report type and or per address - checks payable to Town of Hopedale. Lists will not be emailed/mailed until payment is received.

**PLEASE ALLOW TEN (10) BUSINESS DAYS FOR
COMPLETION**



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Application for Zoning Board of Appeals Hearing

Please provide the information below and attach additional sheets when needed:

APPLICANT INFORMATION

Applicant Name(s)	Applicant Mailing Address
Applicant Telephone Number	Applicant Email Address

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Property Owner Name(s)	Property Owner Mailing Address
Property Owner Telephone Number	Property Owner Email Address

ATTORNEY INFORMATION

Attorney Name(s)	Attorney Mailing Address
Attorney Telephone Number	Attorney Email Address

ENGINEER/CONSULTANT INFORMATION

Engineer/Consultant Name(s)	Engineer/Consultant Mailing Address
Engineer/Consultant Mailing Address	Engineer/Consultant Email Address

PROPERTY INFORMATION

Property Address	Zoning District	Assessor Parcel ID No.	Deed Book and Page or Land Court Certificate No.
Present Use of Property			
Proposed Use of Property			

REQUESTED RELIEF AND PRIOR PROCEEDINGS (CHECK ALL THAT APPLY)

<input type="checkbox"/>	I am requesting a special permit as provided in section(s) _____ of the Hopedale Zoning By-Laws.
<input type="checkbox"/>	I am requesting a variance as provided in section(s) _____ of the Hopedale Zoning By-Laws.
<input type="checkbox"/>	I am appealing a decision of the Hopedale Building Commissioner. (attach copy of decision)
<input type="checkbox"/>	I am requesting a comprehensive permit under Massachusetts General Laws c. 40B (subsidized housing).
<input type="checkbox"/>	I am requesting other relief described as _____.
<input type="checkbox"/>	I have applied for a building permit in connection with the application, and the application is pending.
<input type="checkbox"/>	I have applied for a building permit in connection with the application, and the application has been denied.
<input type="checkbox"/>	I previously applied for zoning relief in connection with this application, and the Zoning Board of Appeals denied relief.

REASON FOR REQUESTING RELIEF

Please briefly summarize why you are seeking relief from the Zoning Board of Appeals:

ADDITIONAL INFORMATION IF REQUESTING A VARIANCE

Please state circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other properties in the zoning district. (See Massachusetts General Laws c. 40A, § 10):

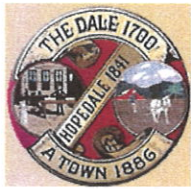
Please describe the substantial hardship that is caused by application of the Hopedale Zoning By-Laws to the circumstances listed above:

Please explain why granting relief will not nullify or derogate from the intent of the Hopedale Zoning By-Laws:

CERTIFICATION OF ALL APPLICANTS

I hereby certify under the penalties of perjury that the above statements and all testimony and documents to be presented by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Applicant(s) Signature(s) and Date



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Mary T. Arcudi, Alternate

**Hopedale Zoning Board of Appeals
Rules of Procedure**

1. Purpose
These rules are adopted pursuant to G.L. c. 40A, §§ 9, 12, and 15. The purpose of these rules is to enable the Hopedale Zoning Board of Appeals (ZBA) to hear and determine cases in a fair and expeditious manner while giving all persons an opportunity to be heard.
2. Scope
These rules shall apply to all petitions, applications, and appeals within the jurisdiction of the ZBA. References in the rules to the word "applications" include petitions, applications, and appeals.
3. Filing
An application for a variance, special permit, or comprehensive permit must be filed with the Town Clerk.
4. Fees
The applicant must pay a filing and processing fee of \$400 payable in two checks (\$375 for application and \$25 for abutters list) payable to the Town of Hopedale.
5. Form of Application
The application shall be made on a form established by the ZBA and must include a certified list of abutters (see Rule 7) and all supporting documents (see Rule 8).
6. Copies
The applicant must submit 1 original and 7 copies of the application and all supporting documents, including detailed floor plans, plans, maps, photographs, correspondence, or other materials. When appealing the denial of a building permit, the notice of appeal must be filed with the Town Clerk, the Building Commissioner, and the ZBA.
7. List of Abutters
The application must include a certified list of abutters and their addresses. This list must include the names and addresses of the applicant, owners of the subject property, abutters, owners of land directly opposite the subject

property, and abutters to abutters within 300 feet of the subject property line. Certification of the list must be obtained from the Tax Assessor. Applicants should allow two weeks for the certification of the list. Once certification is obtained, the certified list must be submitted to the Town Clerk along with the application for zoning relief.

8. Burden of Proof

The applicant bears the burden of proof. To help meet this burden, the applicant must provide legible documentation to the ZBA that shows all existing and proposed structures, interior dimensions, driveways, parking areas, easements, streets, signage, lighting, and dimensions for the entire lot including lot area, lot lines, and setbacks.

9. Requested Relief

The application must state with specificity the relief sought and the applicable provisions of the Hopedale Zoning By-Laws.

10. Incomplete Application

The ZBA may deny relief based solely on the fact that the applicant has failed to complete the application as directed by these rules and the approved form. Because of the legal implications that flow from a request for zoning relief, the ZBA recommends that applicants consult with an attorney before filing an application, review the ZBA website, and contact the Building Commissioner.

11. Deadline for Submissions

Unless specifically approved by the ZBA with an opportunity for opposing parties to respond, the ZBA will not consider submissions that are made after the evidence has been closed at a public hearing.

12. Site Visit

ZBA members may, at their discretion, visit a site that is the subject of an application. Simultaneous site visits by ZBA members will not include any deliberations and are not subject to the provisions of the Massachusetts Open Meeting Law.

13. Outside Consultants

Pursuant to G.L. c. 44, § 53G, the ZBA may require the applicant to pay the costs of hiring outside consultants.

14. Truthfulness

Assertions of fact in any application or at any hearing must be truthful. The ZBA is expressly authorized to "administer oaths, summon witnesses, and call for the production of papers" during any of its proceedings. G.L. c. 40A, § 15.

15. Ex Parte Communication

The applicant and other interested persons are entitled to know the facts and other material relied upon by the ZBA in making its decision. Therefore, material communications with ZBA members outside of a public meeting will be disclosed on the record at a public meeting to enable interested persons to respond.

16. Effective Date

These Rules take effect November 15, 2021.

The ZBA has adopted these Rules of Procedure this 15th day of November 2021, and has filed the same with the Town Clerk.

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