



Town of Lancaster, Massachusetts
Office of Community Development and Planning

LANCASTER BOARD OF APPEALS
SPECIAL PERMIT APPLICATION

This application consists of several sections. Please read through the entire application before proceeding:

- 1) Instructions
- 2) Form A – Application for Hearing
- 3) Form B – Special Permit
- 4) Form C – Certified List of Parties in Interest
- 5) Form D – Revenue Certification
- 6) Important Information on Special Permits

Associated Fees

Special Permit \$150.00 for a single-family dwelling
Application Fee: \$250.00 for a multi-family dwelling or commercial property

Advertising Fee: \$80.00
Certified mailing fee: \$8.10 per abutter + \$15.00

Checks should be made payable to the *Town of Lancaster*.

Important Contact Information

| | |
|---|-----------------------|
| Office of Community Development and Planning | 978-365-3326 Ex. 1074 |
| Zoning Enforcement Officer/Building Inspector | 978-365-3326 Ex. 1079 |
| Fax | 978-368-4009 |

INSTRUCTIONS

APPLICATION PROCEDURE

- Obtain application forms from the Community Development and Planning Office located at the Town Hall on the 2nd floor. Application forms are also available online at <http://www.ci.lancaster.ma.us>.
- Complete applicable forms and required exhibits (see Zoning Bylaw for specifics).
- Complete and have Assessor certify list of Parties in Interest (Form C).
- Complete and have Town Collector certify Revenue Certification (Form D).
- Submit payment through the website <https://www.ci.lancaster.ma.us/board-appeals>
- Send PDF copy of application materials and all relevant documents to planning@lancasterma.net
- File with Town Clerk completed signed application and forms
 - Staff will complete this task unless notified otherwise.
- Applicants will be notified of public hearing date.
- The Board's rules should be reviewed prior to hearing.
- Additional exhibits may be submitted at hearing.
- Do not attempt to discuss case with Board members.
- Applicant must appear personally or by an authorized representative.
- Approved permits allowing use of construction will not take effect until appeal periods expire, the decision is recorded, and proof of recording is submitted to the Community Development and Planning Office.

NOTE: Please submit a complete application. Applications deemed incomplete will not be acted upon.

SITE PLAN CHECKLIST

A site plan must accompany each application, petition or appeal to the Board for projects involving new construction. This check list provides a summary of the site plan contents as specified in the Board's Rules and Regulations. The Rules and Regulations are available online at www.ci.lancaster.ma.us and at the Community Development and Planning Office.

IMPORTANT NOTE: By checking the "No" box on any of the items listed below, *the applicant is requesting that Board consider granting a waiver* of strict compliance with the Rules and Regulations. Please note that if this waiver requested is not granted, the hearing process may be continued until the Site Plan is completed.

| Provided YES | Provided NO | Site Plan Requirement |
|-----------------|----------------|---|
| | | Minimum Drawing size of 8.5" x 11" |
| | | Drawn to scale with scale noted |
| | | Property lines and boundaries |
| | | Name and address of record owner |
| | | Names and locations of adjacent streets |
| | | North arrow |
| | | Zoning district and any zone lines in vicinity of project |
| | | Existing and proposed buildings or additions including number of stories and height of all structures |
| | | Paved areas, existing and proposed parking or loading spaces |
| | | Existing utility lines including septic and underground structures |
| | | Locations of structures on adjoining property |
| | | Lot area and dimensions, including setbacks where new construction or additions are proposed |

The Board may also require that additional drawings or drawing content be provided specific to the application. This may include items such as site topography or existing and proposed building elevations. The applicant should consider providing this type of information with the initial application if it will help the Board better understand the basis of the requested findings.

FORM A
APPLICATION FOR HEARING

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF LANCASTER:

I, the undersigned respectfully petition your Honorable Board for a hearing upon Applicant's Request for [variance, special permit, comprehensive permit, appeal].

(1) Applicant _____
Name Address Telephone

(2) Owner _____
Name Address Telephone

(3) If there is an option to purchase; the name and address of the prospective purchaser

(4) The record Title stands in the name of: _____ whose address is
_____ by a Deed duly
recorded in the Worcester District Registry of Deeds, Book _____, Page _____ OR
Land Court Title Certificate # _____

(5) Said premises are situated in a District classified under the Zoning By-Law of the Town of Lancaster
as: _____

(a) Location of property affected _____

(b) Assessor's Book _____, Parcel _____

(c) State what is located on premises (e.g. number, type and use of buildings; type of vegetation, etc.

(d) State in full what Applicant desires to do upon the properties: _____

Received and Filed:

_____/_____/_____
Date

Signature of Applicant

Town Clerk

Signature of Owner

FORM B (Special Permit)

**REQUESTS FOR FINDINGS OF FACT IN
SUPPORT OF PETITION FOR SPECIAL PERMIT**

Applicant hereby requests that the Board, upon public hearing and after review of the evidence submitted, find as follows in support of the Application for Special Permit:

1. The Applicant _____ whose address is _____, is the (owner) (lessee) or (option holder) of certain land situated at _____ in the Town of Lancaster and more particularly described in a deed recorded with the Worcester District Registry of Deeds, Book _____, Page _____.

If Applicant is not the owner, complete the following:

The owner of said land is _____,
whose address is _____

2. Said land is situated in a district classified under the Lancaster Zoning By-Law as: _____.
3. Presently located on the premises is: _____

4. The Applicant desires to use said premises as follows and in conformity with the Site Plan filed with this application: _____

5. Grant of the Special Permit is authorized by Section _____ of the Lancaster Zoning By-Law.
6. Applicant alleges that each of the requirements for the grant of the Special Permit set forth in G.L. c. 40A §9 and Lancaster Zoning By-Law 220-61(D) are met for the following reasons (attach extra sheets if necessary): The Board of Appeals shall not approve a special permit unless it finds that in its judgement all the following conditions are met:

FINDING OF FACTS

- (A) All requirements applicable to the class of special permit sought are fulfilled; for the following reasons: _____

(B) The specific site is an appropriate location for the proposed use, for the following reasons:

(C) The proposed use as developed will not adversely affect the neighborhood, for the following reasons: _____

(D) There is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles, for the following reasons:

(E) Board of Health requirements for water and sanitation arrangements are followed:

The purposes of this bylaw (§ 220-1) are substantially met.

7. (Applicable to requests for Special Permit for Uses in Water Resource District - Section 220-39). The proposed use will conform to any special requirements provided in Section 220-39 of the Zoning By-Law in the following respects: _____

8. (Applicable to a request for extensions or alteration of a pre-existing non-conforming structure or use pursuant to G.L. c. 40A §6 and Section 220-51 and/or 220-52 of the Zoning By-Law.) The requested change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood, for the following reasons:

Signature of Applicant

Signature of Owner

FORM C

CERTIFIED LIST OF PARTIES IN INTEREST

OWNERS NAME: _____

ADDRESS OF PROPERTY: _____

MAP & PARCEL: _____

The following is a list of all parties of interest, as defined by Massachusetts General Laws, Chapter 40A, Section 11.

PARTIES IN INTEREST shall mean the Petitioner, abutters, owners of land directly opposite on any Public or Private Street or way and abutters to the abutters within 300' of the property line, even though said land is in another city and/or town, and the Planning Boards of Lancaster and contiguous towns.

| | NAME | LEGAL MAILING ADDRESS (ZIP) |
|-----------------|---------------------------|--------------------------------|
| APPLICANT: | | |
| OWNER: | | |
| AGENT/ATTORNEY: | | |
| | LANCASTER PLANNING BOARD | |
| | HARVARD PLANNING BOARD | |
| | BOLTON PLANNING BOARD | |
| | CLINTON PLANNING BOARD | |
| | LEOMINSTER PLANNING BOARD | |
| | SHIRLEY PLANNING BOARD | |
| | LUNENBURG PLANNING BOARD | |

ABUTTERS CERTIFICATION

CERTIFIED BY BOARD OF ASSESSORS: _____ DATE: _____

FORM D
REVENUE CERTIFICATION

Application/Petition/Appeal of

1. Applicant: _____
2. Owner: _____
3. Property: Assessors Map _____ Parcel _____

Pursuant to G.L. c. 40D, Section 57, and the General By-Laws of the Town of Lancaster, the undersigned applicant hereby certifies as follows:

- 1) The following named persons, firms or corporations constitute the complete list of all parties having an ownership or proprietary interest in the property or use subject to the above-entitled application.
- 2) Each of the below listed parties have complied with the laws of the Commonwealth of Massachusetts and the Town of Lancaster in that they have not neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period.

| NAME OF INTERESTED PARTY | ADDRESS |
|-----------------------------|---------|
| OWNER: | |
| APPLICANT: | |
| OTHER: | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Signed under the pains and penalties of perjury,

Signature of Applicant

DATED: _____

CERTIFIED BY TOWN OF LANCASTER TOWN COLLECTOR

DATED: _____

***IMPORTANT INFORMATION
ON SPECIAL PERMITS***

A special permit is generally a permit from a Town Board which allows the use of land or buildings for a specifically identified purpose upon satisfaction of provisions set forth in the zoning bylaw. With respect to the Use Regulations set forth in Article 3 of the Lancaster Zoning Bylaw, the authority for granting special permits is, in most cases, assigned to the Board of Appeals (designated by "SP") and, in other cases, to the Planning Board (designated by "PB"). You must initially determine the appropriate Board with which to file your special permit application and the application and materials filed with it must comply with the rules of that Board.

The special permits authorized in Article 3 of the zoning bylaw are limited to those specific uses that are so identified in the Use Regulation Schedule (Section 220-8), and special permits cannot vary from the requirements of the bylaw. For example, the Board of Appeals may grant a special permit which allows poultry to be kept on a residential parcel of less than 5 acres (Section 220-8.2(B)); provided that "no building housing poultry shall be within 150 feet of a property line". This requirement would prevent the Board from granting a special permit if the proposed building housing poultry was only 130 feet from a property line. The standards for special permits are consequently quite different than the standards applicable to variances.

Special permits may be issued "only for uses which are in harmony with the general purpose and intent of the bylaw and shall also be subject to the general or specific provisions set forth in the bylaw", as noted in the above example. The permit granting authority may also impose additional conditions, safeguards and limitations on time or use. Such additional conditions must be within the applicant's power to perform, however. Examples of permissible conditions include conditions relating to the design and siting of structures, and a limitation on the transferability of a special permit. A special permit may run with the land or may be limited to a particular applicant. A special permit may also be limited in duration.

As long as the above requirements are satisfied, the standards applicable to a special permit granting authority in evaluating a special permit application are more lenient than the standards applicable to variances. However, special permits and variances are certainly not interchangeable forms of zoning relief.