



## ZONING BOARD OF APPEALS

100 PECK STREET  
SEEKONK, MASSACHUSETTS 02771  
(508) 336-7400

### **PETITION CHECK LIST**

1. (2) Originals, (10) Copies – Total of (12) Collated Sets. Every set should be identical. \*\*Please make all copies of any forms NO Larger than 11x14\*\*
2. Completed and Signed Application Form.
3. If Petitioner is not the Owner of the subject property, a letter of Permission to the Zoning Board of Appeals must be included in the packet by the Owner authorizing Petitioner to petition.
4. (12) Legible Site Plans & Certified Plot Plan
5. Certificate of Good Standing
6. Certified List of Abutters. (If subject property borders any Rhode Island lots, a Certified List of Abutters must be included from that Rhode Island city)
7. Assessor's Map
8. Zoning Determination Letter
9. Filing Fee payable to the Town of Seekonk
10. If packets are not complete, they will be returned for *your* completion



## ZONING BOARD OF APPEALS TIME FRAME FOR PETITION

- Upon receipt of the petitions, the Board has **65 days to hear the petition** – This time frame is used to place legal ads in newspaper 15 days prior to public hearing and to notify the abutters within 300’.
- By law, the petition cannot be heard any earlier than 15 days from the first appearance in the paper or it is not considered legal.
- The earliest a petition can be heard is **30 days from day of receipt of petition.**
- A decision is rendered at the hearing, however, an official “Decision” must be typed and signed by the Board members. They have **14 days** in which to do this after the public hearing. The typed and signed “Decision” is mailed to the petitioner and copies are mailed to the abutters.
- Upon receipt of the decision in the mail, you have to wait an **additional 21 days** before you can record the Decision with the Bristol County Registry of Deeds because of the 20-day appeal process. The time stamp on your Decision begins the 20-day appeal process.
- You must bring your original copy of the Decision to the Town Clerk’s Office for certification on the 21<sup>st</sup> day before your decision is taken to the Registry of Deeds to be recorded.
- The applicant is responsible for recording the Decision with the Bristol County Registry of Deeds. The recording fee for the Registry of Deeds is \$75.00, payable to the Registry of Deeds.
- The Building Inspector **SHALL NOT** issue a permit until the petitioner submits certification from Bristol County Registry of Deeds that this Decision has been recorded.
- The time frame looks like this:
  - 65 days Receipt of Petition
  - 14 days Signed Decision
  - 21 days Waiting period for appeals

**IT IS IMPOSSIBLE TO GUARANTEE ANYONE A CERTAIN DATE FOR  
PUBLIC HEARINGS OR COMPLETION PROCESS**



## **ZONING BOARD OF APPEALS**

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1 (508) 336-7400

### **PUBLIC NOTICE**

**[Legal Ad]**

### **PAYMENT PROCEDURE**

## **IN ADDITION TO THE APPLICATION FEE, THE PETITIONER IS RESPONSIBLE FOR THE COST OF THE LEGAL AD**

1. Zoning Board of Appeals prepares the Legal Ad.
2. Zoning Board of Appeals faxes Legal Ad to The Sun Chronicle or other authorized publication deemed by the Board of Selectmen.
3. The Sun Chronicle or other authorized publication advised the Zoning Board of the cost of Legal ad.
4. Zoning Board contacts Petitioner with the amount of the Legal Ad and requests they bring a check in payment, payable to: The Sun Chronicle or other authorized publication, on the next day.
5. Zoning Board forwards checks to The Sun Chronicle or other authorized publication and notifies the abutters.

**Instructions to Applicant  
for Petitions to the  
Zoning Board of Appeals  
Seekonk Massachusetts**

**Effective July 1, 2008**

## **INSTRUCTIONS TO APPLICANT**

### **ZONING LAWS**

The Zoning Laws adopted on November 13, 1942 created a Zoning Board of Appeals. The ZBA is empowered in accordance with these laws and all applicable Revisions, Amendments, State Laws, and Rules & Regulations. These instructions are only applicable to Section 40A appeals and do not apply to Section 40B, which are under separate cover.

### **CERTIFICATE OF GOOD STANDING**

The Town Clerk shall not accept any petition or appeal to the Zoning Board of Appeals, if the subject property and the petitioner are not in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges payable to the Town of Seekonk, in accordance with category 7- 'Licenses and Permits of delinquent tax payers' of the Town of Seekonk By-Laws. The applicant must first obtain a 'Certificate of Good Standing' from the office of the Collector/Treasurer certifying compliance with the above by law.

### **INSTRUCTIONS**

Prior to applying to the Zoning Board of Appeals for a Special Permit or Variance, the Petitioner must first apply, and pay the required administration fee, to the Zoning Enforcement Officer for a Zoning determination. Upon receipt of an application, the Zoning Enforcement Officer or his/her designated representative shall make a personal inspection of the premises, review all maps, plot plans and architectural drawings and be prepared to advise the Board of the physical condition of the property. The Zoning Enforcement Officer or his/her designated representative may secure from the applicant such information and data as they may deem necessary to fully inform the Board with reference to the application, whether or not such information or data is required by the official forms. Any failure or refusal on the part of the applicant to cooperate with the Zoning Enforcement Officer in securing necessary information may be grounds for dismissal of the application. The Zoning Enforcement Officer shall have 14 days from receipt of the request to issue his/her determination. If, after 14 days the Zoning Enforcement Officer fails to issue a determination, the applicant may file a petition directly with the Zoning Board of Appeals.

Every application for action by the Zoning Board of Appeals shall be made on the official form. This form shall be furnished by the clerk of the Board or the Town Clerk or any member of said Board, but in any event, must be filed for action with the Town Clerk.

The petitioner will then fill out the petition, making 2 originals and 10 copies (12). If the petitioner is not the property owner, a letter of permission to file said petition from the property owner is required.

With said petition, 12 site plans of the parcel in question, showing locations, dimensions, elevations, areas of the lot, and locations of buildings, if any, names of streets, and zoning districts.

Site plans shall be drawn to scale and shall be legible. It shall also have a north point and radius line showing abutting properties within 300 feet of the property in question. This information should be taken from a current assessors map; abutting properties shall also show existing buildings. Please refer to the rules and regulations of the Zoning Board of Appeals, article II, Section 5- Plan of Land To Accompany Petition.

It is the responsibility of the applicant to provide to the Zoning Board of Appeals, a certified list of abutters **and the mailing labels** for the subject property. The applicant shall submit a "Form G" with their application. The Board of Assessors requires a minimum of three (3) business days to certify a List of Abutters. **Questions concerning abutters and certification of abutter's lists should be directed to The Board of Assessors.**

The petitioner will provide any pertinent data, which they may consider to be relevant to the petition, and submit the petition and site plans to the Town Clerks Office in accordance with 14.3 of the Zoning By-Laws.

**All fees associated with the Zoning Board of Appeals, shall be paid at the Inspector of Buildings Office, or at their designated location.**

Applications shall be accompanied by a check, payable to the Town of Seekonk, Ma.

A fee of \$225.00 for residents and businesses must accompany your petition, when a public hearing is required. The Board of Appeals reserves the right to assess the petitioner the cost of fees of any consultants engaged by the Board of Appeals under authority granted in 14.2 of the Zoning By-Laws.

In addition to the application fee, the Petitioner is responsible for the cost of the legal ad. (See Public Notice [Legal Ad] Payment Procedure in application packet.)

The required procedure for a public hearing requires notification of nearby property owners and other interested parties and advertising of posting notice in two separate weeks, the first notice has to be at least 14 days prior to the hearing. The statute

requires that the Board of Appeals hold a public hearing within 65 days after the filing of an appeal, application, or petition.

At the public hearing, the petitioner shall present their case in detail to the Zoning Board of Appeals and the Board shall then hear all parties in interest as defined in Section 21.2 of the Zoning By-Laws, both in favor and against the petition. Failure by the petitioner or their authorized representative to attend the public hearing shall automatically result in the denial of the petition. All letters written to the Zoning Board of Appeals in favor or opposition to a petition, must be notarized, or at the Public Hearing certified under oath by it's author, if the letters are to become part of the record. After concluding the public hearing, the board shall render its decision in accordance with the Zoning By-Laws and Rules & Regulations.

**No** variance, special permit or constructive grant of a variance takes effect until recorded in the registry of deeds in accordance with Section 23 of the Zoning By-Laws (notice of decision). It is the responsibility of the petitioner to provide satisfactory evidence to the town clerk that this provision has been complied with.

If any of these instructions conflict with the Zoning By-Laws, the Zoning By-Laws shall be the controlling document.

# TOWN OF SEEKONK - BOARD OF APPEALS

## INSTRUCTIONS FOR PREPARING CERTIFIED LIST OF ABUTTERS

### **Notice to Persons Filing Applications to Board of Appeals**

In accordance with Massachusetts General Laws Chapter 40A, section 11, notice of any hearing before the Board of Appeals must be given to “parties in interest.” The statute defines parties in interest as the “petitioner (applicant); abutters; owners of land directly opposite on any public or private street or way; and abutters to the abutters within three hundred feet of the property line of the petitioner, as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Planning Board of the city or town and the Planning Board of every abutting city or town.” The statute further provides that the Assessors shall certify to the Board of Appeals the names and addresses of all parties in interest. The Board’s rules provide that no application to the Board of Appeals shall be filed with the Town Clerk unless it is accompanied by the list of parties in interest certified by the Assessors of the appropriate town. In order to obtain such certification the petitioner shall deliver to the Assessors the list of parties in interest.

### **Instructions for Preparing List of Parties in Interest:**

1. Applicant or his/her representative must complete the Form G (Certified List of Abutters) to be brought to the Assessors office.
2. The Assessors Office will call the applicant or his/her agent when the list is ready for pick-up. The list cannot be released directly to the Town Clerk or the Board of Appeals secretary, only to the applicant, his/her family or agent.
3. The applicant is responsible for providing mailing labels with the addresses of all parties of interest to the Board of Appeals secretary.



# TOWN OF SEEKONK

FORM

# G

\_\_\_\_ PLANNING BOARD

\_\_\_\_ ZONING BOARD OF APPEALS      \_\_\_\_ CONSERVATION

## CERTIFIED LIST OF ABUTTERS

**OWNER  
NAME &  
ADDRESS:**

**BOOK and PAGE NO:**

**PETITIONER**

**NAME &**

**ADDRESS:**

**PHONE #**

**PRESENT ZONING:**

**PHONE NUMBER:**

**PRESENTED BY:**

**LOCATION (FROM ASSESSORS OFFICE)**

**PLAT NOS.**

**LOT NOS.**

**FILE:**

**TITLE:**

**DATE OF THIS DOCUMENT:**

To the Planning Board/Zoning Board of Appeals of the Town of Seekonk, Massachusetts:

*Planning Board:*

The undersigned, being an applicant for approval of Definitive Plan of a proposed subdivision entitled \_\_\_\_\_ Plat and Lot nos. \_\_\_\_\_ or,

*Zoning Board of Appeals:*

The undersigned, being an applicant for a zoning hearing, Case Number \_\_\_\_\_

submits the following drawing of the land to be considered, listing the names of the adjoining owners in their relative positions and indicating the address of each abutter on the drawing or in a separate list, including owners of land separated from the said land only by a street. Said drawing is at a scale of 1"=40' and lists all abutters within 300' including across the streets and bodies of water.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

This is to certify that at the time of the last assessment for taxation made by the Town of Seekonk, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as written, except as follows:

\_\_\_\_\_  
Assessor

# Town of Seekonk

## Office of the Treasurer/Collector

### "Certificate of Good Standing"

Circle any and all that apply:

Electric Gas New Construction Permit HAS BEEN issued. Permit has NOT been issued.  
 OVER \$100.00 UNDER \$100.00

Planning Conservation Other \_\_\_\_\_

Dumpster Permit Septic System Plumbing

\_\_\_\_\_  
 Petitioner Name Property Owner

\_\_\_\_\_  
 Petitioner Address Property Address

\_\_\_\_\_  
 City, State Zip Seekonk, MA 02771

Date	/	/	Current	Delinquent	N/A
Real Estate					
Personal Property					
Motor Vehicle Excise					
Disposal					
General Billing					

If all obligations are paid to date, your application will be deemed complete and accepted upon receipt of a completed "Certificate of Good Standing." Delinquent bills must be paid in full before the Planning Board will accept your application. A tax statement is attached itemizing all past due amounts. Please make arrangements to pay these outstanding bills at the Collector's Office. Upon payment, a "Certificate of Good Standing" will be forwarded to the Planning Board and your application will be deemed complete and accepted. This certificate is valid for 30 days from the date

\_\_\_\_\_  
 Christine N. DeFontes Date  
 Collector of Taxes

Collector's Office (508) 336-2930  
 Office Hours: Monday, Tuesday, Thursday 8:30am-to4:30pm  
 Wednesday 8:30am-5:30pm Friday 8:30am to Noon







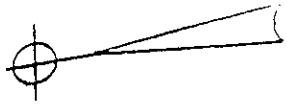
DRAFT

1. LOT 121  
2. CHIAVETTO

PLAT 1 LOT 42  
K. & G. REALTY TRUST

23527  
329.05

TOWN OF FGHOBOTH

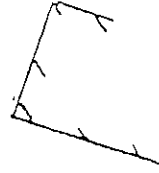
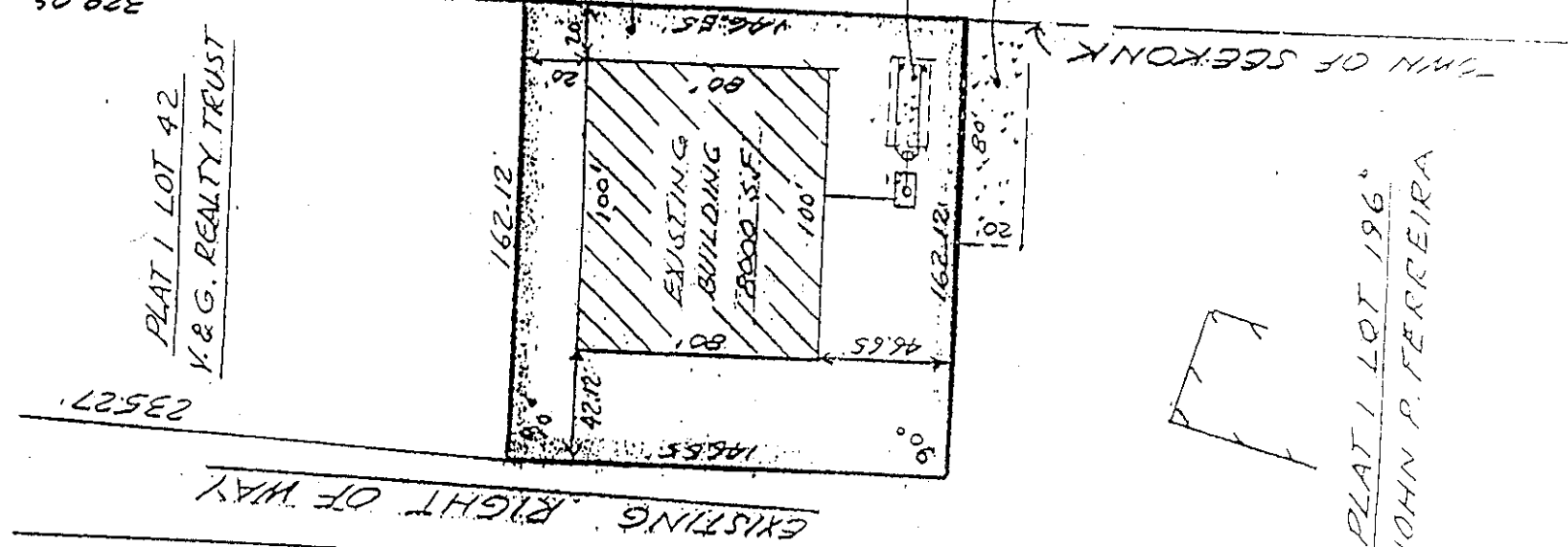


PLAT  
SCALE: 1"

PLAT 1 LOT 1  
DOUGLAS D'ARIEU  
CONSTRUCTING MON.  
DOLA OCEAN STATE FOR  
AREA OF LOT = 23.7

EXISTING SEWAGE SYSTEM

PARKING EASEMENT  
DESD BK 2883 PG. 273



PLAT 1 LOT 196  
JOHN P. FERREIRA

DRAFT

