



**Lunenburg Zoning Board of Appeals  
Ritter Memorial Building  
960 Massachusetts Avenue  
Lunenburg, MA 01462**

**Instructions & Application Forms for Zoning Board of Appeals**

**APPEAL DECISION OF ADMINISTRATIVE OFFICIAL, OFFICER OR BOARD  
APPLICATION FOR SPECIAL PERMIT FROM ZONING BOARD OF APPEALS  
APPEAL OR PETITION FOR VARIANCE FROM TERMS OF ZONING BY-LAW**

1. The original and fourteen (14) completed copies of the attached form shall be filed with the Town Clerk and/or the Zoning Board Administrative Assistant. Copies of all attachments and exhibits including the following shall accompany the form. The instructions do not need to be attached.
  - A. Fifteen (15) copies of the latest recorded plan of the land which will be affected; or in cases where no such plan exists, fifteen (15) copies of the plan of the land endorsed by a registered engineer or land surveyor.
  - B. In cases pertaining to subdivisions of land, fifteen (15) copies of the proposed subdivision plan endorsed by a registered engineer or land surveyor along with the Planning Board's decision thereon, plus the requirements of section A. above.
  - C. In cases pertaining to structures and signs, fifteen (15) copies of building plans and application for building permit, plus the requirements of section A. above. Additionally, if a use permit is involved, fifteen (15) copies of the use permit application.
  - D. Plans should involve the following information:  
(Also see Section 10 of the form)
    - a) Metes and bounds of said land.
    - b) Adjoining streets and other named and readily identified landmarks and fixed objects.
    - c) Dimensional layout of all buildings.
    - d) Distances and buildings are set back from the various boundaries and apart from each other.
    - e) Exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations regarding this application.
    - f) The location of all existing and proposed wells, septic systems and underground utilities.
    - g) The direction of North.
    - h) The name of each abutting property owner.
    - i) If pertinent to the case describe topography, general conditions of terrain and the subsurface conditions of the land involved.
    - j) Suggested scale: 20 feet or 40 feet to the inch.

- E. An original and fourteen copies of certification from the **Lunenburg Board of Assessors** and if indicated by them, also by one or more Boards of Assessors in abutting communities, listing the name and addresses as they appear on the most recent local tax list of all abutters: owners of land directly opposite on any public or private street or way and abutters to abutters within (300) feet of the property lines of the petitioner in accordance with MGL Chapter 40A, Section 11.
2. Complete all sections that apply and be concise. Use additional sheets if necessary. Building Inspector must review the applications for completeness before they are filed with the Town Clerk.
3. Indicate at the top of page 1 of the application whether you are making an appeal, applying for a special permit or petitioning for a variance. This information may be obtained from the Building Official/Zoning Enforcement Officer.
4. The application shall be signed personally by appellant(s), applicant(s) or petitioner(s).
5. Written authorization must be documented if an owner will be represented at the hearing. Written authorization also must be documented when a tenant of a property is applying for a special permit or variance.
6. Each appeal, application or petition must be accompanied by a non-refundable filing fee payable to the Town of Lunenburg in the amount of one hundred dollars (\$100.00). The petitioner will be responsible for additional mailing expenses if the number of abutters exceeds twelve (12), (\$2.00 per abutter). This may be refunded if the petition is withdrawn prior to the Town incurring expenses

If the Town determines that the conditions presented require review by legal counsel or a planning consultant, the cost of such review shall be borne by the appellant, applicant or petitioner. The estimated cost shall be paid to the Town prior to a final decision being rendered.

7. Additional documents may be submitted at the public hearing.
8. If conditions of health are involved in allegations of substantial hardship for a variance, a physician's signed statement specifying such conditions should be available at the public hearing.
9. The Board in its discretion may dismiss an appeal, application or petition (without prejudice) for failure to comply with any of the forgoing rules.

Please be sure to fill out item 6, page 2 of the application and include directions to the property.

**DO NOT ATTEMPT TO DISCUSS THE MERITS OF YOUR CASE WITH ANY MEMBER OF THE BOARD REVIEWING THE APPEAL, APPLICATION OR PETITION AFTER FILING WITH THE TOWN CLERK/ADMINISTRATIVE ASSISTANT AND BEFORE THE PUBLIC HEARING.**

**IF A SPECIAL PERMIT OR VARIANCE IS GRANTED:**

1. It must be recorded at the Worcester Northern District Registry of Deeds, 166 Boulder Drive, Fitchburg, MA 01420. A receipt from the Deed office showing the date and time of recording and document number must be presented to the Building Official prior to granting a building permit, occupancy permit or use permit.
2. If the variance, appeal or special permit involves a use of the property that requires a use permit it must be obtained prior to beginning such use. In addition, businesses must file a Business Certificate with the Town Clerk.

Building Commissioner-Brian Gingras, Ritter Memorial Building, 960 Massachusetts Avenue, Lunenburg 978-582-4143  
Zoning Board of Appeals, Alfred J. Gravelle, Chairman c/o Ritter, 960 Massachusetts Avenue, Lunenburg 978-582-4143 x421  
Ritter Office Hours, Monday & Wednesday 8:00 AM – 4:00 PM, Tuesday & Thursday 8:00 AM -6:00 PM.



Town of Lunenburg  
Lunenburg, MA 01462

CHECK ALL THAT APPLY

FOR TOWN CLERK'S USE ONLY  
RECEIVED AND FILED

Date \_\_\_\_\_ Fee\$ \_\_\_\_\_

\_\_\_\_\_  
Lunenburg Town Clerk

\_\_\_\_\_ Appeal from a person aggrieved  
(M.G.L. Chapter 40A, Section 8) ZONING BOARD OF APPEALS

\_\_\_\_\_ Application for Special Permit  
(M.G.L. Chapter 40A, Section 9) ZONING BOARD OF APPEALS

\_\_\_\_\_ Appeal or Petition for Variance from the terms of Zoning By-Law  
(M.G.L. Chapter 40A, Section 10) ZONING BOARD OF APPEALS

\_\_\_\_\_ Other \_\_\_\_\_

1. Name and address of each appellant, applicant or petitioner:

2. The undersigned hereby \_\_\_appeals, \_\_\_makes application or \_\_\_petitions as follows:

3. An application for the same dated \_\_\_\_\_ was submitted to the Building Inspector and was denied by the same for the reasons stated in the letter attached hereto. If a building or use permit was applied for a copy shall be attached to each copy of this form.

4. Has the proposed action or use begun? Yes\_\_\_\_\_ No\_\_\_\_\_.

5. The basis for this application is found in the following section of the Lunenburg Zoning By-Law:  
\_\_\_\_\_.

6. The basis for this appeal or petition for variance concerns the following section of the Lunenburg Zoning By-law:  
\_\_\_\_\_.

The street address or other sufficient description to adequately identify the land or building which is the subject of this case.

Street address\_\_\_\_\_

A. Assessors' Map and Parcel\_\_\_\_\_

7. Name and address of each holder of legal title to the land which is the subject of this case: (listed as it appears in the deed).

Deed recorded Worcester Northern District Registry of Deeds Book\_\_\_\_\_, Page \_\_\_\_\_, Deed recorded \_\_\_\_\_.

8. If the undersigned has any knowledge of a prior appeal, application or petition concerning the land or building involved in this case describe the case and the dates involved.

\_\_\_ I/We have no knowledge of a prior appeal, application or petition concerning the land or building involved in this case.

9. Draw to appropriate scale a sketch or diagram of the land and buildings which are the subject of this case. Include the information listed under Section 1.D. of the instructions and attach to this application.

10. If the appeal is based on a belief that the Planning Board and/or the Building Inspector made a mistake in the interpretation of the Zoning By-Law as related to this case specify the alleged error and the reasons for your beliefs on another page and attach.

\_\_\_Not applicable                      \_\_\_ Page attached

## 11. VARIANCES ONLY

The basis for this appeal or petition for a variance from the terms of the Lunenburg Zoning By-Law is the contention that the following provisions of the Massachusetts General Laws, Chapter 40A, Section 10 have been satisfied:

PLEASE ATTACH AN ADDITIONAL SHEET WITH A STATEMENT REGARDING THE FOLLOWING:

- a) Circumstances relating to soil conditions, shape or topography or such land or structures and especially affecting such land or structures but not generally the zoning district in which it is located are:
- b) A literal enforcement of the provisions of the Lunenburg Zoning By-Law would involve substantial hardship, financial or otherwise to the undersigned for the following reasons:
- c) Desirable relief may be granted without substantial detriment to the public good for the following reasons:
- d) The variance desired may be granted without nullifying or substantially derogating from the intent or purpose of the Lunenburg Zoning By-Law:

NOTE: THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A, SECTION 10 ARE SATISFIED. EACH ONE OF THE FOUR PARTS OF THE SECTION ABOVE MUST BE ANSWERED IN DETAIL.

## 12. SPECIAL PERMITS ONLY

The applicant should provide the Board with information that shows that the proposed use:

PLEASE ATTACH AN ADDITIONAL SHEET WITH THE ANSWERS TO THESE QUESTIONS:

- a) Will the proposed action be injurious or dangerous to the public health, or unduly hazardous because of traffic congestion, danger of fire or explosion, or other reasons?
- b) Will this action have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood?
- c) Will the proposed action be operated with reasonable regard for order and sightliness if an open use?
- d) Will the proposed action produce noise, vibration, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property?

IN ADDITION TO THE ABOVE THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS PERTAINING TO THE SPECIFIC SPECIAL PERMIT REQUESTED AS LISTED IN THE ZONING BY-LAW.

13. **The following additional information is provided because it is considered important to this case:**

14. Signed this \_\_\_\_\_ of \_\_\_\_\_ 20 .

Name	Address	Email address	Phone number
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