ZONING BOARD OF APPEALS
SUDBURY, MASSACHUSETTS

SPECIAL PERMIT APPLICATION

GENERAL INSTRUCTIONS

To complete this application, you must fill in your name, address, telephone number, describe your property, answer several questions, and attach a plot plan, application fee, and advertising fee. Each item satisfies one or more requirements of the Sudbury Zoning Bylaw and Massachusetts General Law. If any answers or supporting documents are missing, your application may be rejected. It is recommended that Applicants obtain a copy of the Zoning Bylaw from the Town Clerk's Office or at the Town's website at www.sudbury.ma.us. The following suggestions will assist you in completing the application:

- Submit five (5) hard copies of the application and supporting materials, and a single PDF via email of all application materials combined together. When submitting plans, please submit five (5) hard copies measuring at least 11x17 inches in size.

- Please include copies of any correspondence with the Building Inspector which indicate your need for a Special Permit.

- The property information is a necessary part of the application. This is available at the Assessor's Office as are copies of maps of your neighborhood.

- A Context Map (such as that available through the Town's website) displaying the surrounding adjacent properties and a Plot Plan are required with your application. A Plot Plan consists of a drawing of your property with the location of all buildings, parking areas (including entrances and exits), septic systems, lot area, property boundaries, street and side yard setbacks, and street widths. In particular, please be sure to include:

    - The distance between your property boundary and any structure on adjoining property within 75 feet of this boundary.
    - The dimensions, wording, and locations of any existing or proposed signs.
    - The location and type of any exterior lighting.
    - The location of any screening, or visual or sound barriers required under the law.

- **If a Special Permit is being requested for construction after demolition and reuse of non-conforming lots, please see the guidelines following these instructions.**

The following contact information may be helpful in obtaining the information necessary for your application:

Zoning Board of Appeals – 978-639-3389 – Appeals@sudbury.ma.us
Health Department – 978-440-5479 – Health@sudbury.ma.us
Assessor's Office – 978-639-3393 – Assessor@sudbury.ma.us
Town Clerk's Office – 978-639-3351 – Clerk@sudbury.ma.us
Building Department – 978-440-5461 – Building@sudbury.ma.us

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THE PUBLIC HEARING

- You will be advised by mail of the time and place of the Zoning Board of Appeals public hearing for your application.

- All application submissions are subject to the Rules and Regulations adopted by the Zoning Board of Appeals in effect at the time of application.

- You, or a representative, must attend the public hearing. If you or your representative wish to submit supplemental materials, they may be delivered to the Zoning Board of Appeals at the hearing, but having this information several days in advance is preferable. The timely submission of materials will be accepted at the discretion of the Zoning Board of Appeals.

- At the public hearing, you or your representative will be asked to briefly review your application and to answer any questions from the Zoning Board of Appeals.

  Please submit completed applications and supporting materials to:

  Town Clerk's Office
  322 Concord Road
  Sudbury, MA 01776

CONSTRUCTION AFTER DEMOLITION – REUSE OF NON-CONFORMING LOTS

Since the Town of Sudbury Zoning Bylaws were recodified in 2003, Section 2460B. Construction after Demolition requires a Special Permit from the Zoning Board of Appeals if the total floor area of the proposed structure exceeds the total floor area of the original non-conforming structure.

The Zoning Board of Appeals has developed a set of decision-making principles and Special Permit conditions it uses to try to reach consistent decisions and help prevent problems that have occurred with tear-down situations in the past.

Principles

- It is in the best interest of our community to reuse existing previously developed lots, rather than encourage the development of our remaining open spaces.

- Rebuilding houses on non-conforming lots provides the Town with the opportunity to remedy prior problems such as setback deficiencies, houses built at awkward angles, houses located that detract from the streetscape, drainage issues, and houses located as to detract from the privacy of abutters.

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- While the Zoning Board of Appeals does not apply a rigid formula such as floor area to lot size ratio, particularly with smaller lots, it is far more likely to approve applications that are consistent with the general scale of the surrounding neighborhood and are located so as not to loom over the street or a neighboring house. To that end, the Zoning Board of Appeals shall require architectural drawings showing front, rear, and side elevations. On sloping lots or if the grade of the proposed structure will be significantly higher than the one being replaced, the Zoning Board of Appeals may require a topographical plan.

- With regard to front yard setbacks, as a general guideline, when one or one and half story homes are proposed to be replaced by two or two and a half story homes, the Zoning Board of Appeals prefers that these taller homes be sited further back from the street. The Zoning Board of Appeals is more likely to approve applications with 60 foot front yard setbacks than applications which only satisfy the minimum setback requirements. Similarly, in neighborhoods where the houses are generally set back further than 60 feet, the Zoning Board of Appeals is more likely to approve an application that is consistent with the neighborhood norms. Configurations of the roof and facades are also taken into consideration.

- The Zoning Board of Appeals encourages Applicants to meet with abutters to review proposed projects and reach agreement on neighborly-issues such as sightlines and screening, prior to a public hearing.

- The Zoning Board of Appeals encourages Applicants to investigate the feasibility of donating the old house for use by the Town's Housing Trust or the Sudbury Housing Authority. The cost of relocating the structure may not be substantially different than demolishing it.

- Except in circumstances where the building remains in use as a residence during construction, the Zoning Board of Appeals encourages the removal of the old house before construction begins on the new.

Standard Special Permit Conditions

These standard conditions will be included in each Special Permit. Other situation specific conditions (e.g., location of driveway, prohibition of removing trees screening an abutter, installation of new plantings, etc.) may also be applied.

- Construction must begin no later than one (1) year after the Special Permit is issued.

- Construction must be completed no later than one (1) year after commencement.

- In situations where the old structure remained in residential use during construction, the old structure must be removed with six (6) weeks after a Certificate of Occupancy is obtained for the new structure.

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Case Number: _____
(To be Completed by Town Staff)

Please Print Clearly and Complete in Full

Applicant: _____ Email: _____

Address: _____ Phone: _____

Business Name: _____Phone: _____

Address: _____

Property Owner: _____ Email: _____

Address: _____Phone: _____

SUBJECT PROPERTY INFORMATION

Address: _____

Town Assessor Map: _____

Area: _____ Frontage: _____ Zoning District: _____

Is the deed for this property recorded? Yes _____No _____

If YES, Date: _____ Book #: _____ Page #: _____

DESCRIPTION OF REQUEST

a) Under what provision of the Zoning Bylaw is a Special Permit requested?

Article: _____ Section Number(s): _____

b) If this is a Special Permit application under Section 2460B. Construction After Demolition:

What is the total floor area of the existing structure?: _____

What is the total floor area of the proposed structure: _____

c) Why is a Special Permit needed? _____

_____

_____

_____

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d) Why does the Applicant believe the proposed use or building would be in harmony with the general purpose and intent of the Zoning Bylaw?

_____

_____

_____

_____

_____

e) Why does the Applicant believe the proposed use would be located in an appropriate location, would not be detrimental to the neighborhood, and would not significantly alter the character of the zoning district?

_____

_____

_____

_____

_____

f) Why does the Applicant believe adequate and appropriate facilities will be provided for the proper operation of the proposed use?

_____

_____

_____

_____

_____

g) Why does the Applicant believe the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or visual nuisances?

_____

_____

_____

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_____

_____

h) Why does the Applicant believe the proposed use would not cause undue traffic congestion in the immediate area?

_____

_____

_____

_____

_____

i) Has a Special Permit previously been requested? Yes _____ No _____

If YES, Case #: _____ Applicant: _____

Approved _____ Denied _____

j) If this is an application for renewal, indicate any changes you are requesting from the wording and/or conditions of the previously granted permit.

_____

_____

_____

_____

_____

REQUIRED ATTACHMENTS

- $100.00: Filing Fee (payable to the Town of Sudbury)
- $50.00 Filing for a renewal (payable to the Town of Sudbury)
- Advertising Fee (payable to the Town of Sudbury) will be determined by publication cost.
- Plot Plan/Site Plan displaying the location of all buildings, parking areas (including entrances and exits), septic systems, lot area, property boundaries, street and side yard setbacks, and street widths
- Elevations, photographs, and other supplemental materials

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SIGNATURES

I certify all of the above answers are true to the best of my knowledge.

Applicant
Signature: _____ Date: _____

Property
Owner
Signature: _____ Date: _____
(if different from Applicant)