

Special Permit and Variance Process

TOWN OF SOMERSET



**140 Wood Street
Somerset, Massachusetts 02726**

<https://www.townofsomerset.org/>

What Is A Special Permit?

Some land uses in a zoning district are permitted as a property owner's right. Other uses, and certain proposed changes to a site or building, warrant greater review because of their potential impact on the town or the neighborhood. These uses require Special Permits. The ZBA reviews and makes a decision on applications for Special Permits after receiving a recommendation from the Planning Board and report from Town Boards/Departments.

In its review, the ZBA considers such factors as: compliance and consistency with the standards and purposes set forth in the zoning ordinance as well as compatibility with surrounding uses, public input, and neighborhood-specific issues. The ZBA may grant a Special Permit with conditions that are attached to its decision to mitigate the expected impact of the proposal upon the surrounding neighborhood. The ZBA may also deny a Special Permit petition.

What Is A Site Plan Review?

Certain petitions may require Site Plan Review by the Planning Board of the design of the site's physical elements. Commercial, industrial multi-family, and institutional developments are likely to have sizable impacts, so they require review of such features as site layout and building siting, landscaping, circulation & access, and surface runoff. Projects that require this type of review are those which are over 500 sq. ft. in gross floor area and generate new parking spaces.

What Is A Variance?

A Variance can grant relief from provisions set forth in the zoning ordinance such as dimensional requirements or signage requirements.

Variations may be authorized only where the ZBA finds that the following conditions apply:

The Variance is sought because of soil conditions, shape, or topography of the land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located;

A literal enforcement of the ordinance would involve a substantial hardship, financial or otherwise, to the Petitioner;

Desirable relief may be granted without substantial detriment to the public good; and

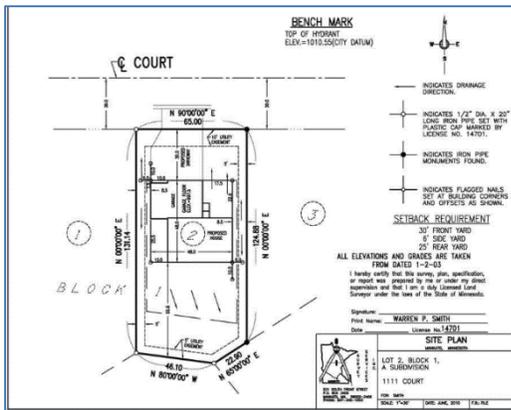
Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.



STEP ONE

If you choose to seek the required zoning relief, **obtain a Special Permit and/or Variance Petition or both** from the Town Clerk. **Complete the application and provide the required copies of the application, narratives, pictures, assessor card, plans, abutters list and payment to the Town Clerk's office.** If your application is complete, the Clerk will stamp your Petition, and coordinate with you so that the documents are distributed to the Town Departments and boards as required.

Your case will be scheduled to be heard by the appropriate Board(s). **Agenda deadlines are usually three to four weeks prior to scheduled meetings.** The Zoning Board of Appeals (ZBA) generally meets the third Thursday of every month and the Planning Board generally meets the fourth Thursday of every month. ZBA meetings are held at 6:00 p.m. and the Planning Board meetings are held at 6:00 p.m. in the Hearing Room at the Town Hall, there are occasions when they meet in other locations.



STEP TWO

You, the Petitioner, and abutters will be notified by mail of the public hearing to be held by the ZBA. For Special Permit Petitioners, you will also attend a separate public meeting before the Planning Board which will make a recommendation to the ZBA to approve, approve with conditions, or deny your proposal. You may present your case to these Boards, or allow an attorney, architect or other designated person to present for you.

STEP THREE

After the ZBA closed the public hearing on your Special Permit or Variance Petition, the ZBA will render its decision (denied or approved with/without conditions). ZBA requires a unanimous three-member vote to approve a Petition. **The ZBA will file the written decision with the Town Clerk.**

STEP FOUR

Appeals must be filed with the Town Clerk within twenty days of the decision filing. After the appeal period, you can either obtain a certified copy of the decision at the Town Clerk's office or have them mail it to you directly. **You must then file this certified decision at the Bristol County Registry of Deeds to finalize the zoning approval.** The ZBA and Building Inspector will require you to present evidence that this decision was recorded.

STEP FIVE

Your application is now ready to proceed through the building permit or Certificate of Occupancy (C.O.) process. It is your responsibility to ensure that all conditions attached to the Special Permit and or Variance have been met. Once the zoning process is completed, you may continue the building permit process with the Building Department and other Town Departments, as applicable.

NOTE: The permit process is applicant driven, and it is the applicant's responsibility to submit all required information, to attend all meetings, and to complete each step of the development process.