



**TOWN OF BELMONT
OFFICE OF COMMUNITY DEVELOPMENT**

Homer Municipal Building
19 Moore Street
Belmont, Massachusetts 02478

Telephone: (617) 993-2666 Fax: (617) 993-2651

SPECIAL PERMIT/VARIANCE PROCESS
Residential Project

The Special Permit/Variance process takes approximately six (6) months to complete and includes a formal public hearing. The following is a general outline of the Special Permit/Variance process based on MGL, Ch 40A.

1. **Make an appointment with Staff** to review this process and your building plans. This may include discussing other construction options to achieve your goals.
2. Once you have finalized your proposal, **submit your application and ten copies (11)** to the Office of Community Development.

The ZBA meets the first Monday of each month. As a result, all application materials must be submitted approximately 6 weeks in advance of the public hearing.

Please note, that the ZBA will only hear 5 cases per night and cases are scheduled on a first come first serve basis. A public hearing will be scheduled once the application is deemed complete.

3. **Distribution to other Town departments** for technical review and comment – the Office of Community Development will distribute the complete application to the ZBA, the Planning Board, Board of Selectmen, Board of Health, Fire and Police Departments, Department of Public Works and/or other boards or authorities, as appropriate.
4. **Meet with abutters to the project** - The Staff encourages all applicants to discuss your proposed project with their abutters prior to submitting your application. This enables issues and concerns about your project to be discussed and get them resolved prior to the public hearing. Additionally, the Town's Zoning By-Laws require consultation with those that will be substantially impacted by the proposed project.

5. **Notice of the public hearing will be sent to abutters** within 300' of your property. This notice indicates when the hearing will occur, describes the zoning relief requested, and provides a brief description of the project.
6. You are required to attend the **public hearing** and to give a presentation on your project, briefly stating what you submitted in the application.

The ZBA will also take input on your application from the audience, both in opposition and support.

7. **The Permit Granting Authority has up to ninety (90) days** from the date your public hearing closes to make and file a written decision with the Town Clerk. The decision may be made either at the end of the night after all the public hearings have been heard or at the next regularly scheduled hearing. This depends on several factors - the complexity of your application, whether or not it is controversial, how late it is when the ZBA begins deliberations.

8. **A 20 day appeal period** follows the filing of the decision, whether or not your application is granted or denied. The Special Permit/Variance decision is held until the appeal period has expired – the appeal permit cannot be abbreviated; it must run the entire 20 days. An appeal of the Permit Granting Authority decision can be filed by any aggrieved person, including yourself.

If a decision has been appealed then the Special Permit/Variance is held pending the resolution of the appeal.

9. After the appeal period has lapsed, the **approved Special Permit/Variance must be certified with the Town Clerk and filed at the Registry of Deeds.** The Registry will give you a copy of the decision and a receipt, both of which must be filed with the ZBA.

Please note –

- A building permit will not be reviewed or issued until the decision is filed at the Registry of Deeds and proof of its filing is submitted to the Permit Granting Authority.
- The granted Special Permit and/or Variance are not the building permit – a new building permit application will need to be filed after the decision is recorded at the Registry of Deeds.

A Variance is good for one-year from the date of its decision and a Special Permit is good for two years. If these permits expire and you wish to proceed with your construction, a new public hearing and review process will have to be held.

If you have any additional questions about the process, please do not hesitate to contact Ara Yoghurtian, the Office of Community Development, Assistant Director, at 617-993-2666 or at ayoghurtian@belmont-ma.gov.



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SPECIAL PERMIT/VARIANCE APPLICATION SUBMISSION REQUIREMENTS:

In order for the application to be considered complete you must submit **11 COPIES** of the following information (items 1 – 7). **A digital copy must be submitted (usb drives not accepted)**

1. **Building Permit Denial Letter;**
2. The appropriate **Application** (if you are a tenant, a letter of consent from your landlord is also required);
3. A **Statement** explaining what you are doing and why;

Please note that this is the most important piece to the application and will make your argument for approving the application;
4. A **Certified Plot Plan** (submit only if you are proposing new construction);
5. **Zoning Compliance Check List** completed by the surveyor who drafted the plot plan (submit only if you are proposing new construction);
6. **A Total Fee of \$300.00** - two checks:
 - a. One check for **\$150** to the "Town of Belmont" to cover administrative expenses, and
 - b. The other for **\$150** to the "Town of Belmont" to pay for the legal advertisements.
 - c. An additional **\$50** is required if your property is within 300' of a surrounding town.
7. **Elevations and Interior Layout Plans** if new construction is proposed;

The following information can be submitted up until your public hearing -

1. **Neighborhood Letters or a Petition** of those who do not object to the proposed project (this can be submitted up until the public hearing); and

2. **Anything Else** that you feel is relevant to your application, i.e., pictures, etc.