

**TOWN OF STONEHAM, MASSACHUSETTS
PLANNING BOARD APPLICATION
SPECIAL PERMIT**

Date: _____

I, _____
Name Address

Hereby request a hearing before the Planning Board as Special Permit

Granting Authority with reference to _____
Locus (Property Address)

Applicant is owner (); tenant (); lessee (); prospective purchaser ().

(Applicant must submit evidence of status i.e. deed, lease, purchase and sales agreement, etc.)

Owner's name (if different) _____

Applicable section of Zoning By-law for Special Permit _____

Type of Special Permit sought _____

Deed of property recorded in Middlesex South Registry Book _____ Page _____

1. No application for a special permit shall be accepted unless the locus conforms to the Zoning By-laws in all other respects or the appeal period from the granting of a necessary variance or exception has elapsed without notice of appeal being properly received by the Town Clerk.
2. A plan prepared according to the rules and regulations of the Planning Board as Special Permit Granting Authority as found under Article III of the Stoneham Town Code Chapter 17, Sections 17-16 and 17-17, must accompany the application.
3. Application fee of \$200.00 payable to the Town of Stoneham.
4. All advertising costs associated with notice requirements are to be paid by the petitioner.
5. A certified list of abutters from the most recent Assessors' roles must accompany this application at the time of submittal and adherence to all notice requirements as listed on the Special Permit Checklist.

Signature and Address of Owner: _____

Special Permit Checklist

Special Permit applications are processed by the Planning Board after proper submission and payment of the \$200.00 application fee to the *Town of Stoneham*.

APPLICATION REQUIREMENTS:

- Three (3) copies of the application with original signatures required.
- Copy of deed (can be found on masslandrecords.com/MiddlesexSouth)
- Fifteen (15) copies of a stamped, certified plot plan or Site Plan by a Massachusetts Registered Professional Land Surveyor, Registered Professional Engineer or Registered Architect no larger than 11" x 17" and one (1) electronic copy if available (pdf) emailed to townclerk@stoneham-ma.gov. Plan subject to inspection by the Building Commissioner before submission.
- Applicant must order Abutter's list from the Assessor's Office and comply with all applicable notice requirements no less than three (3) weeks prior to hearing date.
- Application with plans must be submitted to the Town Clerk's Office at least three (3) weeks prior to hearing date. Check with the Town Clerk for next hearing date(s) and submission deadline date(s).
- The legal notice will be completed or approved by the Planning Board and forwarded to the Stoneham Independent. The petitioner will be responsible for all costs associated with publication.
- See Town Code, Chapter 15, Section 7.4 Special Permit and Chapter 17, Article III Special Permit Rules & Regulations for Special Permit approval process

Stoneham Town Code, Chapter 15 Zoning By-Laws, Chapter 17 Planning Board and Official Zoning Map are available on the Town's website www.stoneham-ma.gov under Planning Board

INSTRUCTIONS – LEGAL NOTICES

Planning Board Notices

Contact the Assessor's Office to request a certified, abutter's list and labels, (10 day lead time is preferred) or order online at <https://www.stoneham-ma.gov/481/Pay-Bills-Online> . You will be contacted for pick up when the abutter's list is ready.

1. The Legal Notice will be submitted to the Stoneham Independent for publication. The legal notice must be published for two consecutive weeks prior to the public hearing. The petitioner is responsible for all costs associated with the publication in the newspaper.
2. The legal notice will be copied for mailing to all abutters listed and the seven (7) surrounding cities/towns.
1. Place mailing labels from Assessor's Office on plain, white envelopes, list Planning Board/ZBA, 35 Central Street, Stoneham, MA 02180 as return address; place copied legal notice inside each envelope, seal envelopes, and affix proper postage. **DO NOT MAIL.**
2. 4. Also prepare envelopes for mailing a copy of legal notice to surrounding cities and towns from the list provided in this packet. **DO NOT MAIL.**
5. Please leave envelopes in the same order as they appear on the Certified Abutters List.
6. Complete *Affidavit of Notice of Mailing to Abutters and Others* form. Attach a copy of Legal Notice to the Affidavit (The notarization can be completed by the Planning Board/Board of Appeals Clerk if necessary.)
7. Return properly stuffed envelopes with return address and postage affixed to the Planning Board with completed Affidavit of Notice of Mailing to Abutters with legal notice attached no later than three business days after the first legal notice appears in the newspaper.

TOWN OF STONEHAM

Affidavit of Notice of Mailing to Abutters and Others

Date _____ 20 _____

To the Planning Board/Board of Appeals
For the Town of Stoneham

I, _____, hereby certify that the following is a true list of the persons shown upon the Assessor's most recent valuation list as the owners of the property abutting the subject property at _____.

I also certify that the notices of this application/petition concerning the above property were returned to the Planning Board/Board of Appeals in properly addressed envelopes, first class postage affixed within three (3) business days after the first publication of same. A copy of the advertisement is attached.

Signed and subscribed to under penalties of perjuries this _____ day of _____, 20_____.

Signature: _____

Printed Name: _____

ATTACH ADVERTISEMENT
HERE

Address: _____

City, State, Zip: _____

Notary Public: _____

My Commission Expires: _____

Abutting Communities to be Noticed

Wakefield Planning Board
1 Lafayette St
Wakefield, MA 01880

Malden Planning Board
215 Pleasant St
Malden, MA 02148

Medford Planning Board
Office of Community Development
City Hall, 85 George P. Hassett Dr
Medford, MA 02155

Reading Planning Board
Office of Community Development
16 Lowell St
Reading, MA 01867

Melrose Planning Board
562 Main St
Melrose, MA 02176

Winchester Planning Board
71 Mount Vernon St
Winchester, MA 01890

Woburn Planning Board
City Hall
10 Common St
Woburn, MA 01801

All abutters' mailings must have a return label that reads:

Planning Board
35 Central St
Stoneham, MA 02180

Stoneham Town Code Chapter 15 Zoning By-Laws

SPECIAL PERMIT:

7.4.1 *(Reserved)*

7.4.2 *Procedure:*

7.4.2.1 Additional procedural requirements in the special permit process are located in Chapter 17 of the Stoneham Town Code. (4-03-01, Art. 5)

7.4.3 *Conditions for Approval of a Special Permit:*

7.4.3.1 The Planning Board shall not approve any such application for a Special Permit unless it finds that in its judgment use of the site is in harmony with the general purpose and intent of this bylaw and is subject to and consistent with the conditions, safeguards and limitation herein set forth, and is subject to all the following conditions (except that uses accessory to activities permitted as a matter of right and which activities are necessary in connection with scientific research or scientific development or related production may be permitted provided the applicable Board finds that the proposed accessory use does not substantially derogate from the public good):

- (a) The specific site is an appropriate location for such use, structure, or condition.
- (b) The use as developed and operated will not adversely affect the neighborhood.
- (c) There will be no nuisance or serious hazard to vehicles or pedestrians.
- (d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (e) Access to the site over streets is appropriate for the type of vehicles involved.

7.4.3.2 In approving a Special Permit, the Planning Board may attach such conditions, limitations and safeguards as are deemed necessary to protect the District and the Town. Such conditions may include, but are not limited to, the following:

- (a) Requirement of front, side or rear yards greater than the minimum required by this bylaw.
- (b) Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
- (c) Modification of the exterior features or appearances of the structure.
- (d) Limitation of size, number of occupants, method or time of operation, or extent of facilities.

- (e) Regulation of the number, design and location of access drives or other traffic features.
- (f) Requirement of off-street parking or other special features beyond the minimum required by this or other applicable bylaws.

7.4.4 *Exercise of a Special Permit:*

- 7.4.4.1 A Special Permit shall be exercised within two (2) years after issuance, including the time required to pursue or await the determination of an appeal referred to in Section 7.6, or shall lapse.

7.4.5 *Special Permit for Temporary Structure or Use:*

- 7.4.5.1 In undeveloped sections of the Town and in built-up sections where some good reason exists, the Building Inspector may grant temporary and conditional permits for a period of not more than one (1) year at a time, subject to a single renewal for buildings and uses which do not conform to the use regulations of the District; provided that such permits are made subject to such conditions as shall safeguard the character of the District and are granted in accordance with the procedure provided in Section 7.4.
- 7.4.5.2 Upon the expiration of such permit, the structure shall be removed and the use cease and the land shall be restored to useable condition.

State law reference—Special permit, G.L. c. 40A, Sec. 9.

Editor's note—Secs. 7.4.6 - 7.4.6.2 have been renumbered as Sec. 7.2.3 - 7.2.3.2.

**Relevant portions of
Chapter 17 Article III Special Permit Granting Authority – Rules and Regulations.**

Sec. 17-16. Applications.

Application forms. Every application for action by the board shall be made on the official form as approved by the Planning Board. These forms shall be furnished by the clerk upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made the official application form. All information called for by the form shall be furnished by the applicant in the manner prescribed.

Acceptance of applications and scheduling of a Public Hearing.

- (a) Fifteen copies of all applications and plans required by the rules and regulations shall be submitted at the time of application.
- (b) No hearing shall be scheduled until a proper application, plans and required fee are received by the board.
- (c) The petitioner shall give written notice to the town clerk in the form of a copy of a valid application by delivery; registered mail, postage prepaid; or by certified mail, return receipt requested prepaid; that he has submitted an application for a special permit to the board.
- (d) The board shall schedule a public hearing within sixty-five (65) days of receipt of a properly submitted application, plans and required filing fee as required by Chapter 40A, Section 9 of the Massachusetts General Laws.
- (e) No application and accompanying plan shall be deemed to have been properly submitted if they are deficient in their compliance with these rules and regulations and any applicable requirements of the zoning bylaw, Chapter 15 of the Stoneham Town Code or Chapter 40A of the Massachusetts General Laws.

Sec. 17-17. Plans.

Plan. A plan of the locus shall accompany the petition at the time of filing in the number called for in subsection (a) above.

- (a) General plan requirements:
 - (1) Site, name of identification by boundaries, north point, date, scale used in preparation of plan.
 - (2) The size of the plan shall be a minimum of ~~8 1/2" x 11"~~ **11" x 17"** or larger, not to exceed 24" x 36" drawn to scale.
 - (3) The plan must include the name and address of the owner, the name of the petitioner if different, the name, signature and stamp of a Massachusetts registered professional engineer, a Massachusetts registered professional land surveyor or a Massachusetts registered architect and a certification as to the accuracy of all dimensions and validity of property lines as shown on the plan shall be included. **In** the case of a special permit for an accessory dwelling, a certification of the total gross floor area of the accessory dwelling (family apartment) must be included on said plan as outlined in Chapter 15 of the zoning bylaw, Section 4.2.41(c). The Planning Board reserves the right to allow for some discretion by the Building Commissioner as to the acceptability of the submitted plans.
 - (4) The names, widths and streetlines of existing streets, zoning districts applicable to the property and abutting properties, and the names of record owners from the most current assessors' list of all properties abutting subject property shall be shown.
 - (5) The dimensions of the lot, percentage of the lot covered by the principle and accessory structures or alterations with distances from boundaries shall likewise be

shown and reference to any variances or exceptions which may indicate smaller minutia than likewise called for by the zoning bylaw shall be indicated.

- (6) All off-street parking requirements, off-street loading regulations, and screening and landscaping standard as outlined in Chapter 15 of the zoning bylaw, Section 6.3, 6.4, 6.5 respectively shall be shown on said plan.
- (7) All performance standards required in Chapter 15, Section 6.8 of the zoning bylaw shall be shown where feasible on said plan.

(b) Requirements relating to residential special permits:

- (1) Cluster development - all requirements of Chapter 15, Section 5.3.9 relative to cluster development shall be included on said plan.
- (2) All plans for special permit in residential areas shall show dimensions having to do with proper compliance with setbacks, heights and frontage required by Chapter 15, zoning bylaw.
- (3) Where a residential special permit will also entail subdivision approval, nothing herein shall prevent the petitioner from including all details called for by Chapter 17 of the Stoneham Town Code and the rules and regulations of the Stoneham Planning Board and the construction standards of the Town of Stoneham.

(c) Non-residential special permit plans-In addition to the general requirements contained herein, the following shall be shown:

- (1) Existing buildings and structures.
- (2) Proposed buildings and structures.
- (3) Existing and proposed driveways and openings for same.
- (4) Service areas.
- (5) Facilities for sewage, refuse.
- (6) Other open uses.
- (7) Facilities for surface water drainage.
- (8) Fences and retaining walls.
- (9) Sidewalks and pedestrian ways.

(d) Other requirements: The board may also require the showing of locations and sizes of existing utilities and services including but not limited to sewers and water mains and electrical and other utilities, fire boxes, hydrants and existing above ground utilities within or adjacent to the site and the showing of the location of structures on properties adjacent to the site and location of structures on properties abutting the property if it deems that such additional information is necessary for the board to reach a decision.

(e) Additional provisions: Nothing herein shall prevent a petitioner from including other information, in a form not in conflict with the requirements of this board, which may be required for submission of this plan to another board or department having jurisdiction over another aspect of the proposed subject.

Sec. 17-18. Errors in Filing.

When in its opinion its ability to reach a decision on the basis of all material facts has not been substantially impaired, the board may waive any failure to comply with the exact technical requirements for filing. Whenever an affirmative decision is rendered on a petition, any such failure to comply shall be deemed to have been waived.