ZONING BOARD OF APPEALS APPLICATION: <u>SPECIAL PERMIT – ART. IV § 5.A.4</u>

12 OAK KNOLL ROAD - EARTH FILLING OPERATIONS

12 Oak Knoll Road Worcester, MA

Prepared for:

Francis Deboise & Marguerite Mullaney 12 Oak Knoll Road Worcester, MA 01609

Date:

February 7, 2024

Prepared By:



100 Grove Street Worcester, MA 01605 T 508-856-0321 F 508-856-0357 gravesengineering.com February 7, 2024

Worcester Zoning Board of Appeals Division of Planning & Regulatory Services City Hall 455 Main Street, Room 404 Worcester, MA 01608



Subject: Special Permit Application – Art IV § 5.A.4

12 Oak Knoll Road - Earth Filling Operations

12 Oak Knoll Road Worcester, MA 01609

Dear Members of the Board,

Please find enclosed the following for inclusion on the next available Planning Board agenda for the subject project:

- Bound document entitled "Zoning Board of Appeals Application, Special Permit Art. IV § 5.A.4".
- Certified Abutters List
- Zoning Determination Form
- Drawings entitled "<u>Earth Filling Plan, 12 Oak Knoll Road, Worcester, MA 01609</u>", dated February 7, 2024 (2 sheets).

An electronic (.pdf) copy of the above documents will be emailed to the Planning office at <u>planning@worcesterma.gov</u>. Once reviewed by Planning Staff, hard copies of the site plans will be provided as necessary along with the mailing envelopes and the application fee check. For this project, GEI estimates a fee of \$330 (Other Special Permits).

The project triggers a Special Permit Application as the proposed work on the site will result in earth fill not associated with any construction related activities. The project proposed is to rectify historical unauthorized earth filling procedures and complete earth filling activities to the proposed grades shown on the plans. Further, the project is outside the Worcester Wetlands Ordinance 100-foot Stormwater Protection Zone and does not trip any Planning Board nor Conservation Commission thresholds for permitting.

Project Summary

The project proposed is to fill a steep slope on the easterly side of single-family residential dwelling and encompasses approximately 14,500 square feet. The project had previously placed approximately 1,300 cubic yards of clean fill material from a previous construction site located at 54 Milbrook Street in Worcester, MA 01606. The owner had received a notice from a DPW inspector and halted operations and is seeking this filing. The project proposes to place an additional 105 cubic yards of clean fill material to complete the project and there are no plans for any development associated with the fill area.

We look forward to discussing this project further with the Board and staff. If you have any questions concerning this application, please feel free to contact our office.

Respectfully Submitted, **Graves Engineering, Inc.**

Daniel Sheehan, E.I.T. Project Engineer

cc: Client



CITY OF WORCESTER ZONING BOARD OF APPEALS

455 Main Street, Room 404, Worcester, MA 01608 Phone 508-799-1400 ext. 31440 - Fax 508-799-1406

STEP 1: PROVIDE THE FOLLOWING ITEMS, 1 DIGITAL COPY IN PDF FORMAT VIA EMAIL TO PLANNING@WORCESTERMA.GOV AND CONFIRM WITH STAFF BEFORE SUBMISSION OF 1 PHYSICAL COPY BY HAND DELIVERY OR MAIL:

✓	Application with original signatures by all petitioners/owners; if you are not the owner of subject property, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property
\checkmark	Zoning Determination Form obtained from the Inspectional Services Division (email $\underline{inspections@worcesterma.gov}$ or call $508 - 799 - 1198$ for more information)
\checkmark	A Certified Abutters List(s) issued within 3 months of this application's filing date which includes all properties affected and includes any contiguous, commonly owned property(s). This can be <u>obtained from the Assessor's Office</u> and includes all abutters and abutters to abutters within 300' of the edge of the land owner's property.
	Note: if the property(s) is within 300 ft. of another town an abutters list from that town may be required
\checkmark	If the applicant is NOT the Owner, the Owner(s) Authorization for the applicant to apply is attached (page 4)
V	Certification of Tax/Revenue Collection Compliance - All current owners of subject property and applicants must certify that all local taxes, fees, assessments, betterments, or any other municipal charges of any kind are current with the City Treasurer's Office (page 11)
\checkmark	Site Plan showing the full project scope and all elements listed on page 12 of this application, stamped and signed by all applicable professionals
	Architectural drawings or renderings showing exterior elevation, height in feet and stories, exterior materials for all structures, and corresponding floor plans stamped and signed by all applicable professionals
	Traffic Study, if necessary based on expected traffic generation (contact staff to confirm)
othe	2: Any application items not produced electronically, such as hand-drawn plans or schematics, handwritten applications, or r materials created prior to March 2013 that are not available to the applicant in electronic format, are not required to be nitted electronically.

STEP 2: ONCE STAFF CONFIRMS VIA EMAIL REPLY THAT YOUR APPLICATION IS COMPLETE, SUBMIT THE FOLLOWING TO DPRS:

- A. Two Sets of Stamped **Envelopes** with Assessor's Address Labels for abutters and applicant.
 - □ Request two (2) sets of Assessor's Address Labels (listing all abutters and abutters to abutters) from the Assessor's Office (2nd floor, City Hall)-prepared for a fee
 - □ Create two (2) separate sets of stamped envelopes with Assessor's labels.
 - □ Include two stamped, addressed envelopes for each applicant.
 - □ The return address on the envelopes should be: City of Worcester, Division of Planning and Regulatory Services; 455 Main Street, Room 404; Worcester, MA 01608
 - ☐ These envelopes will be used to send notices of the public hearing and outcome.
- B. **Appropriate fee**. Please make checks payable to the City of Worcester and list your project number on the memo line. Please confirm amount with staff prior to submission.



SPECIAL PERMIT APPLICATION

CITY OF WORCESTER ZONING BOARD OF APPEALS

455 Main Street, Room 404, Worcester, MA 01608 Phone 508-799-1400 ext. 31440 - Fax 508-799-1406

Ь					
	<u>PE OF SPECIAL PERMIT</u> (check the Special Permit you are requesting and answer only the associated opplementary questions on page 8-12)				
1.	☐ Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure and/ or Use (Article XVI, Section 4)				
2.	Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)				
3.	□Non-Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)				
4.	□Non-Residential Use allowed only by Special Permit – Self Storage Facility (Article IV, Section 2, Table 4.1)				
5.	Residential Conversion (Article IV, Section 9)				
6.	✓Placement of Fill/Earth Excavation (Article IV, Section 5)				
7.	☐Modification of Parking/Loading Requirements and/or Landscaping and Layout Requirements for Parking/Loading (Article IV, Section 7)				
8.	Other Special Permit (Describe Special Permit sought):				
1.	Property Information				
a	12 Oak Knoll Road, Worcester MA 01609				
	Address(es) – please list all addresses the subject property is known by				
b	25-001-00008				
	Parcel ID or Map-Block-Lot (MBL) Number				
C.	Worcester District Registry of Deeds, Book 14920 Page 0211 Current Owner(s) Recorded Deed/Title Reference(s)				
d	RS-10				
<u> </u>	Zoning District and all Zoning Overlay Districts (if any)				
	The property an existing single family residential. Currently, earth fill operations have occurred on the				
	eastern portion of the site within an area of approximately 14,500 square feet.				

Describe what is presently located on the property (Use as much detail as possible including all uses and

square footage of each use; attached separate narrative if necessary):

f.	There is no change to the existing number of bedrooms (2).
	If residential, describe how many bedrooms are pre-existing and proposed
	, see and proposed
2.	Applicant Information
a.	Frank Deboise / Marguerite Mullaney
	Name(s)
b.	12 Oak Knoll Road, Worcester MA 01609
	Mailing Address(es)
C.	(508) 294-2950
	Email and Phone Number(s)
d.	Resident/Owner
	Interest in Property (e.g., Lessee, Purchaser, etc.)
	I certify that I am requesting the Worcester Zoning Board of Appeals to grant the Special Permit as described below
	(Signature)
ļ.	Owner of Record Information (if different from Applicant)
	Marguerite Mullaney
	Name(s)
b.	12 Oak Knoll Road, Worcester MA 01609
	Mailing Address(es)
d.	(508) 294-2950
	Email and Phone Number
	Representative Information
a.	Daniel Sheehan (Graves Engineering, Inc.)
	Name(s)
h	
υ.	Signature(s)
Ç.	100 Grove Street, Worcester MA 01609
	Mailing Address(es)
al .	dsheehan@gravesengineering.com 508-856-0321 x 106
ul s	dsheehan@gravesengineering.com 508-856-0321 x 106 Email and Phone Number
Э.,	Engineer
	Relation to Project (Architect/Attorney/Engineer/Contractor, etc.)

	(For office use only: Project Number: ZB-20
5.	Owner Authorization I, Owner of Record of the property listed with the
Au	thorization I, , Owner of Record of the property listed with the
	sessing Division of the City of Worcester, Massachusetts as Map $\frac{25}{25}$ Block $\frac{061}{25}$ Lot(s) $\frac{0008}{2000}$, do hereby
aut	thorize Genves Engreence, Inc. to file this application with the Division of Planning &
Re	gulatory Services of the City of Worcester on this the
6.	Proposal (attach a separate narrative if necessary)
a.	Rectify unauthorized earth filling. The applicant seeks to (Describe what you want to do on the property in as much detail as possible)
b.	Article IV Section 5.A.4 Such a use is permitted only by the City of Worcester Zoning Ordinance under Article (Insert Article, Section (s) of the Zoning Ordinance which permits the proposed used of the property.
c.	
	Are you aware if this property has been previously granted approvals from any City Board or Commission? If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions)
d.	No. Have you applied for or are you aware if other applicants have applied for a Building Permit for this site
	and been refused for non-compliance with the Zoning Ordinance (e.g. a cease and desist order has been issued)?
е.	_N/A
	List any additional information relevant to the Special Permit (s)

(For office use onl	y: Project Number: ZB-20_	-

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations per Article II, Section 6(A)(2) of the Zoning Ordinance. (Attach additional supporting documentation as necessary.)

	g cramano. (capporang accamon ac necessary,
1.	Social, economic or community needs that are served by the proposal: There will be no social, economic nor community needs that are served. The completion of the this project will stabilize the currently disturbed areas.
2.	Traffic flow and safety, including access, parking and loading areas: There will be no impact to traffic flow, parking nor loading areas created by this project.
3.	Adequacy of utilities and other public services: There will be impact to utilities nor other public services created by this project.
4.	Neighborhood character and social structure: There will be no change to the neighborhood character nor social structure. The work proposed is for earth filling operations for a single family dwelling and is not related to any other proposed construction activity (filling in a steep slope only, no further construction).
5.	Impacts on the natural environment: The fill area that is currently disturbed will be restored and re-vegetated with the completion of this project.
6.	Potential fiscal impact, including city services needed, tax base, and employment: There will be no potential fiscal impacts, nor impacts to city services, tax base or employment.

(For office use only:	roject Number: ZB-20	١

SUPPLEMENTARY QUESTIONS FOR SPECIAL PERMITS

Complete the requested information for the Special Permit requested. Attach additional documentation as necessary.

Only complete the sections which pertain to the Special Permit (s) you are applying for.

1a.	Extension,	Alteration or	Change of a	Privileged	Pre-existing,	Nonconforming	Structure
			(Article	e XVI, Secti	ion 4)		

	1
1.	Describe what is currently nonconforming about this structure (list specific dimensional nonconformities)
2.	Indicate how long the nonconforming aspects of the structure have been in existence:
3.	At the time of construction, did the structure meet applicable zoning requirements? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)
4.	Describe the proposed extension, alteration or change:
5.	Indicate the total square footage of any physical expansion:
6.	Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed: Note: In residential districts, the use as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.
7.	Explain how the structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

(For office use only: Pro	oject Number: ZB-20 -)

1b. Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming *Use* (Article XVI, Section 4)

Describe what is currently nonconforming about this use:
2. Indicate how long the nonconforming use has been in existence? What year did the use begin? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)
3. At the time the use was initiated, was the use allowed under the then applicable Zoning Ordinance?
4. Describe the proposed extension, alteration or change of use:
5. Indicate the total square footage to be utilized for the proposed use:
6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed use: Note: In residential districts, the use as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.
7. Explain how the use as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:
2. Residential Use allowed only by Special Permit in a particular zoning district
(Article IV, Section 2, Table 4.1) 1. Describe the proposed residential use:
1. Describe the proposed residential use.
2. Total number of dwelling units proposed, number of bedrooms per unit, and square footage of units:
3. Number and dimensions of off-street parking spaces to be provided and location (garage, driveway). Off-street parking spaces must be located outside of the front yard and exterior side yard setbacks.

(For office use on	ly: Project Number: ZB-20	-)

3. Non-Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)

(Article IV, Section 2, Table 4.1)		
	Describe the proposed use (include description of business, proposed hours of operation, and number of mployees)	
2.	Total square footage of proposed use:	
3.	Number of off-street parking spaces to be provided. Indicate location of those parking spaces: garage, parking log parking spaces on a different lot provided through the same ownership and/or leased spaces (a 5-year minimum lease with renewal options must be provided) within 1,000 feet of the use it will serve.	
4.	For a proposed animal hospital, animal clinic, pet shop or animal shelter, per Article IV, Section 2, Notes to Table 4.1, Note 4, indicate the location of any animal runs if a residential zoning district is within 200 feet of the subject property.	
5.	For a proposed Bed and Breakfast use, provide additional documentation per Article IV, Section 11.	
6.	For a proposed Adult Entertainment use, provide additional documentation per Article IV, Section 10.	
7.	For a proposed Limited Residential Hospice House, provide additional documentation per Article IV, Section 2, Notes to Table 4.1, Note 10.	
8.	For a proposed non-accessory parking lot or a motor vehicle display lot, provide additional documentation showing compliance with Article IV, Section 7B.	
	4. Non-Residential Use allowed only by Special Permit – Self Storage (Article IV, Section 2, Table 4.1)	
1.	Provide information that demand for self-storage exists both locally in proximity to the proposed site as well as overall in the city as demonstrated by a current market assessment	
2.	What conditions make the site poorly suited for other permitted uses?	

(For office use only: Project Number: ZB-20)
3. Can adequate access can be provided without adversely affecting neighboring uses or the public realm?
4. Will structures with architectural or historical integrity will be appropriately preserved or improved, and that no surstructures have been demolished within the past five (5) years to prepare the site for redevelopment?
5. Residential Conversion (Article IV, Section 9)
Total number of existing units/Total number of proposed units:
2. Will the external appearance of the structure remain unchanged except for new doors, windows, fire escapes, an stairways?
3. Number of off-street parking spaces to be provided (If new parking is being created, the applicant(s) may need to seek a Special Permit for extension, alteration or change of a pre-existing, nonconforming structure if existing structure does not meet current zoning dimensional requirements. If additional parking cannot be provided for new dwelling unit(s), the proposed conversion may also require a Variance or Special Permit from off-street parking requirements):
4. Which dimensional requirements/setbacks are you seeking relief by the Special Permit?
6. Placement of Fill/Earth Excavation (Article IV, Section 5)
1. Indicate whether the Special Permit is for Placement of Fill or Earth Excavation: This Special Permit is for the placement of earth fill.
Attach documentation showing proposed measures to protect pedestrians and vehicles.

the resident.

3. Provide a proposed timeline for completion of placement of fill.

The project is anticipated to be complete by the spring/summer of 2024.

N/A - The project is located on a residential property and the contractor/developer performing the work is

(For office use only: Project	ct Number: ZB-20 -)
· / / /	/

4. Attach documentation from the Director of Public Health and the Conservation Commission as outlined in the City of Worcester Zoning Ordinance Article IV, Section 5.

We have not received any documents yet. The applicant presumes this application will be reviewed by these City Departments.

5. Attach a site plan with all required information in support of the application per the City of Worcester Zoning Ordinance Article IV, Section 5.

Please see the attached plan set.

7. Modification of Parking/Loading Requirements and/or Landscaping and Layout Requirements for Parking/Loading (Article IV, Section 7)

1.	Indicate	what	relief i	s being	sought	under	the S	pecial	Permit:

- 2. If applicable, indicate locations, square footages, and dimensions of relief sought under the Special Permit:
- 3. If applicable, provide number of parking/loading spaces required and relief requested through the Special Permit:

8. Other Special Permits

1. Describe Special Permit sought and provide relevant details on the plan of land and rendering. Provide square footage and height of any structures and indicate percentage of lot structure will occupy:

(For office use only: Project Nun	nber: ZB-20 -)
-----------------------------------	-----------------

TAX CERTIFICATION

This certification must be completed by all applicants and owners of the property, certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a completed certification shall result in the application being deemed incomplete.

	If a Single Owner or Proprietorship:					
a.	Marguerite Mullaney					
b.	Name Annila Ra					
	Signature certifying payment of all municipal charges					
C.	12 Oak Knoll Road, Worcester MA 01609 Mailing Address					
_1						
a.	(508) 294-2950 Email and Phone Number					
	Ends and those reality					
	If a Partnership or Multiple Owners:					
e.	Names					
f.	TAGITIES .					
1.	Signatures certifying payment of all municipal charges					
g.	and the second of the second o					
Э.	Mailing Address					
h.						
	Email and Phone Number					
	Applicant, if different from owner:					
i.	Frank Deboise					
	Printed Name & Signature of Applicant, certifying payment of all municipal charges					
	If a Corporation or Trust:					
j.						
•	Full Legal Name					
k.						
	State of Incorporation Principal Place of Business					
I.						
	Mailing Address or Place of Business in Massachusetts					
m.	Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges					
	Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges					
n.	Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges					
0.	Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges					
	r finited Nathe & dignature of Owner of Trustee, certifying payment of all municipal charges					
p.	Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges					

SUGGESTIONS FOR THE PLAN OF LAND SHOWING THE PROPOSED DEVELOPMENT

Αp	plan of land, at least 8 ½" x 11" or 11" x 17", and drawn to scale (at least 1 inch = 40 feet) should show the following:
	North point.
	Names of streets.
	Zoning districts (Include overlay zones – floodplain overlay, water resource protection overlay, flexible parking overlay,
	mixed-use overlay, arts district overlay, adaptive reuse overlay, etc.).
	Names of owners of properties up to abutters of abutters of the subject property within 300 feet.
	Property lines, locations of buildings or use of the property where a variance or special permit is requested.
	Existing & proposed porches, decks, garages, sheds, pools, stairs and any other accessory buildings, uses or ground-
	level projections.
	Distances from adjacent buildings and property lines. These should be verified in the field.
	The dimensions of the lot.
	All existing uses (i.e. types of businesses, types of residences) on the entire parcel and any future proposed uses.
	Indicate where each different use is located and how much square footage is dedicated to each use.
	Table of dimensional requirements (including exterior side yard setback for corner lots) and proposed setbacks as well
	as relief requested or relief previously granted and dates of such granting.
	Percentage of the lot covered by the principal and accessory uses (impervious surface) and percentage of open
_	space.
	Required <u>off-street</u> parking spaces for each use on the lot. If there are multiple uses, applicants must label which parking spaces are dedicated to each use. Even if the applicant is leasing parking spaces, all other parking spaces
	that are leased to other uses must be shown. Required parking may not be taken away from required parking from
	any other uses. Parking spaces should measure 9' x 18' for a standard space, 25% of parking spaces may be
	compact 8' x 16'spaces (except for uses that do not have parking lots). For business or manufacturing districts,
	applicants may also provide proof of a five-year parking lease on-site or off-site (must be within 1,000 square feet of
	use). Parking cannot be located in required front yard and <i>exterior</i> side yard setbacks.
	Location and dimensions of required loading spaces for entire site, if applicable.
	Existing and proposed driveways, entrances, exits, circulation, alleys, paths, access aisles (access aisles must be 24'
_	wide for two-way traffic or 12' wide for one-way traffic), and drive-through lanes.
	Include a parking table with a breakdown of existing parking spaces, proposed parking spaces, required number of
	parking spaces (by different use), required handicap accessible spaces, including one van space per every eight
	accessible parking spaces with a 8-foot access aisle (for parking lots over 15 spaces). Please note: proposed
	developments may not reduce the number of required off-street parking spaces for adjoining lots in such a way as to
	make lots once held in common ownership or currently held in common ownership nonconforming.
	Required five-foot landscaped buffer where parking, work or service areas of a proposed project abut a street, public
	park or residential property (except 1, 2, 3 families). Trees should be the main element in landscape screening and
	should be planted 20-25 feet on center.
	Location, height, dimensions, type and distance from lot lines of any existing or proposed signs.
	Proposed outdoor seating, proposed ATM machines, utility boxes, other design features, etc.
	Proposed multi-family dwellings should show proposed usable open / recreation space (at least 10% of lot).
	Location of dumpsters and snow storage (snow storage cannot be located in the 5-foot parking buffer).
	Height and location of existing and proposed signs.
	Location and type of existing and proposed lighting fixtures.
	Location and species of any trees over 9 inches in diameter that are proposed to be removed as part of the

ALL APPLICATION DEADLINES ARE 2:00 P.M. UNLESS OTHERWISE SPECIFIED APPLICANTS ARE ENCOURAGED TO FILE BEFORE THE DEADLINE DATE WHENEVER POSSIBLE

Provide any information regarding proposed low-impact or sustainable design (i.e. green roofs, permeable

pavement, rainwater gardens, ecological landscaping, passive solar design, etc.)

development.

VARIANCE AND/OR SPECIAL PERMIT: NEXT STEPS AFTER APPROVAL

The City of Worcester, by this document, does not provide legal advice. Questions about Variances and Special Permits should be directed to your legal counsel.

1) Obtain a CERTIFIED COPY of the approved DECISION from the Worcester CITY CLERK's office:

Notice of the decision is distributed to the applicant and abutters, and will contain the date of filing with the City Clerk. After the 20 day appeal period (beginning the date the decision was first filed with the City Clerk's office) has expired, the applicant may obtain a certified copy of the approved decision from the City Clerk. *Note: The certified decision will state if an appeal was filed against the project.*

City Clerk

City Hall (455 Main Street), Room 206 (2nd Floor), Worcester, MA 01608 Hours: Monday 8:45am - 5:00pm; Tuesday - Friday 8:45am - 4:15pm; Closed on State or Federal Holidays 508-799-1121 or clerk@worcesterma.gov

2) RECORD the CERTIFIED COPY of the approved DECISION at the REGISTRY OF DEEDS (prior to use):

Provided there has been no appeal, you must bring the certified copy of the decision to the Worcester District Registry of Deeds and have the decision recorded against the property's title/deed for the decision to be valid.

Worcester District Registry of Deeds 90 Front Street, Suite C201, Worcester, MA 01608 Recording Hours: Monday – Friday 9 am to 4 pm; Closed on State or Federal Holidays

508-368-7000 or https://massrods.com/worcester/

Note: Your Decision MUST BE RECORDED PRIOR TO USE of any approved Variance(s)/Special Permit(s)

3) Satisfy any CONDITIONS of approval, if applicable:

If your petition is approved with conditions requiring revised plans or supplemental information, all final revised plans and associated information must be received and approved by the Division of Planning and Regulatory Services prior to issuance of a building and/or occupancy permit. Conditions of Approval may additionally require submission of documentation during or after completion of construction. It is the applicant/owner's responsibility to be aware of the conditions of approval ensure they comply with the conditions to avoid delays in issuance of permits and/or enforcement actions for non-compliance.

If you are unsure of the conditions of your application's approval, please contact the Planning and Regulatory Services Division for clarification. These are included in the decision (generally toward the end of the document before the signature page).

4) <u>Begin USE/CONSTRUCTION as permitted by the Decision ONLY AFTER Receipt of appropriate Permits</u> from Other City Departments (Inspectional Services, Dept. of Public Works & Parks, etc.).

When Will My Permit EXPIRE?

Variance(s): Per Massachusetts General Law, Ch. 40A, §10 and the City of Worcester Zoning Ordinance, Article II, §9.D.7, if the rights authorized by a variance are valid for one (1) year from the date the decision was filed with the City Clerk. One year after filing of the decision with the City Clerk the Variance will expire unless it has been acted/relied upon (e.g. building permit submitted, construction commenced, etc.). Questions about permit validity and what constitutes "action" in a particular case should be directed to the Zoning Coordinator at the Department of Inspectional Services at inspections@worcesterma.gov or 508-799-1714.

Special Permit(s): Per Massachusetts General Law, Ch. 40A, § 11 and the City of Worcester Zoning Ordinance, Article II, §9.D.5., if the activity authorized by a special permit is not *initiated* within one (1) year from the date the decision was filed with the City Clerk and/or if the activity is not completed within two (2) years, then the special permit shall expire. Questions about permit validity and what constitutes "initiation" in a particular case should be directed to the Zoning Coordinator at the Department of Inspectional Services at inspections@worcesterma.gov or 508-799-1714.

HOW DO I EXTEND the Rights Granted by MY VARIANCE OR SPECIAL PERMIT?

Variance(s): One may apply for an Extension of Time for an approved Variance which has not been acted upon and will otherwise expire. An Extension of Time application must be filed with the Zoning Board of Appeals via the Division of Planning and Regulatory Services within one year of the date of final action (date of filing with the City Clerk). The Zoning Board may extend the rights of the Variance for a maximum of six (6) months upon the filing of an extension request (new notice to abutters, public hearing, and decision by the Board). Note: If an approval has expired it cannot later be extended, it must instead be newly considered.

Applications for an Extension of Time for a Variance granted by the Zoning Board and is available here: http://www.worcesterma.gov/uploads/a7/5f/a75fb84dee847240bf7cfc61eb36b136/variance-extension.pdf

Special Permit(s): If the activity authorized by a special permit granted by the Zoning Board of Appeals or the Planning Board is not *initiated* within one (1) year from the date of final action (the date the decision was filed with the City Clerk), the Building Commissioner (**Inspectional Services Department**) may determine that the failure to complete was for "good cause," allowing administrative extension for a second year. If the **activity has not been** *initiated* within this time frame, then an **Application for an Extension of Time** for a Special Permit granted by the Zoning Board is required (new notice to abutters, public hearing, and decision by the Board).

Applications for an Extension of Time for a Special Permit granted by the Zoning Board and is available here: http://www.worcesterma.gov/uploads/34/94/349466afe00ea0d3e33a7deb767a61f2/sp-extension-zba.pdf

What Happens if My Permit EXPIRES?

Expired Permits: After expiration, a special permit(s) or variance(s) may only be re-established through submission of a new filing to Zoning Board of Appeals via the Division of Planning and Regulatory Services. *Note:* a new filing consists of the same process as the original application filing (i.e. notification to abutters, a public hearing, and the Board reconsidering said relief, pursuant to the Ordinance).

New Filings: Copies of the most current Special Permit and Variance Applications are available here: http://www.worcesterma.gov/planning-regulatory/boards

Other Resources:

- The City of Worcester Zoning Ordinance and Worcester Zoning Map are available online at http://www.worcesterma.gov/city-clerk/ordinances-regulations/
- For specifics questions related to an approved application, please contact **the Division of Planning and Regulatory Services** (Monday through Friday 8:30 a.m. to 5:00 p.m.). Please have a copy of the approved Decision.