



# CITY OF BROCKTON

## Department of Planning and Economic Development

Planning Board

Conservation Commission

### Return to the Zoning Board of Appeals Checklist

- 6 sets of all checklist materials shall be correlated into packets and folded to fit into a 12 x 15” envelope. Failure to do this will constitute an INCOMPLETE APPLICATION.
- A .pdf copy of the entire packet shall be emailed to [planning@cobma.us](mailto:planning@cobma.us)
- The Department of Planning & Economic Development will notify any applicant within 48 hours of filing, if the submittal is incomplete.
- A complete application shall contain each of the following documentation, unless otherwise stated by the Department.

### Please Check Off All Items

- Application:** Completed and Signed by Applicant and Owner of Property
- Original Plans:** Original Plans That Were Presented and Denied by the Zoning Board of Appeals
- New Plans and Additional Information:** Updated Plan Set with Proposed Substantive Change(s). Changes from previous plans should be circled and displayed for the Board to see.
- Current Municipal Lien Certificate:** The MLC shall reflect that there is no monies owed to the City of Brockton (one copy for the office)
- Certified Abutters List:** The applicant must notify all abutters by Certified Mail Return Receipt Requested (one copy of the list for the office). Notification to the abutters shall be made a minimum of seven (7) days prior to the scheduled meeting at the proper date, time, and location (Notification to Abutters attached). If the date, time, and location of meeting are found incorrect, **the Board shall not hear the case.**
- “Certified Green Cards”** shall be presented prior to the meeting as proof of notification or **the Board shall not hear the case.**
- Copy of Abutters Letter to Dept:** The Department shall receive a duplicate copy of the “Notification to Abutters”. If the date, time, and location of meeting are found incorrect, **the Board shall not hear the case.**
- Zoning Board of Appeals Decision Letter (Denial):** Zoning Board of Appeals Decision Letter shall be provided, stating denial of the project and showing that the appeal period has run out.
- Filing Fee:** Check in the amount of \$125 payable to the **City of Brockton.**
- PDF of Application:** A .pdf copy of the entire packet emailed to the Department.

**FORM I**  
**City of Brockton**  
**APPLICATION TO THE PLANNING BOARD TO RETURN TO THE ZONING BOARD OF APPEALS**  
(Please Write Legibly or Type on Application)

Date: \_\_\_\_\_

To The Members of The Brockton Planning Board:

**The undersigned hereby requests permission to return to the Zoning Board of Appeals as described below:**

**Address of Property:** \_\_\_\_\_

Plot #: \_\_\_\_\_ Assessor's Parcel ID: \_\_\_\_\_ Zoning District: \_\_\_\_\_

**Contact Information:**

Name of Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Applicant(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**Date of Zoning Board Denial:** \_\_\_\_\_

**Has any previous appeal been made?**                       Yes     No

**Section of Zoning Ordinance of which is relief is being requested:**

\_\_\_\_\_  
\_\_\_\_\_

**Summary of New or Different Information Being Submitted which may affect subsequent decision by the Zoning Board of Appeals:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature of the Owner:** \_\_\_\_\_

Date: \_\_\_\_\_

**Signature of Applicant (if not owner):** \_\_\_\_\_

Date: \_\_\_\_\_

# RETURN TO THE ZONING BOARD OF APPEALS

*Massachusetts General Laws and Brockton Zoning Ordinance*

**Pursuant to Massachusetts General Laws, Chapter 40A Zoning, Section 16.**

*“No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall be acted favorably upon within two years after the date of final unfavorable action unless said special permit granting authority or permit granting authority finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the planning board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.”*

**Pursuant to Article XV. Site Plan Review, Sec. 27-86 (Permit Granting Authority).**

**Sec. 27-86. - Permit granting authority.**

*“The permit granting authority shall be the planning board. This will ensure departmental review by the planning department and incorporation into the final development plans all appropriate city agency recommendations. This permit shall be a written authorization which will include the conditions and special conditions deemed necessary and appropriate by the planning board, acting as the permit granting authority (PGA) and shall be recorded and enforced by the City of Brockton like special permits issued by the zoning board of appeals, but such permit shall not be considered a special permit subject to the procedural requirements of M.G.L. chapter 40A or chapter 27 of the Revised Ordinances of the City of Brockton.”*

The City of Brockton’s Planning Board consists of **5 members**; therefore to be granted permission to return to the Zoning Board of Appeals, the petitioner must receive an affirmative vote from **“four members of a board of five members”**.

**Notification to Abutters**

**Notice: You are being notified for a public hearing as your property is within 300 feet of the following proposal.**

A public hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ PM at  
\_\_\_\_\_ regarding the  
following application:

Name of Applicant: \_\_\_\_\_

The above named applicant has filed an Applicant for approval with the City of Brockton Planning Board for a

- Definitive Subdivision
- Modification to an Existing Subdivision Plan
- Request to Return to the Zoning Board of Appeals

The location where the activity is proposed is:

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Please give a brief explanation on the project (attached separated sheet if necessary.)

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Copies of the application/plans may be examined online at:

<http://www.brockton.ma.us/Government/Departments/Planning/reports>

Or at the Department of Planning and Economic Development, 45 School St, 3<sup>rd</sup> Floor, Brockton MA 02301  
Monday – Friday (8:30 am – 4:00 pm)