



TOWN OF SALISBURY, MA

ZONING BOARD OF APPEALS

PETITION FOR RELIEF by SPECIAL PERMIT - ACCESSORY APARTMENT

as per M.G.L. Ch. 40A, Section 9 and Salisbury Zoning By-Law Article, VII

The special regulations contained in this article have been enacted for the purpose of encouraging the construction of a limited number of housing units suitable for occupancy by persons that may not need or afford single-family detached housing, while ensuring compliance with local planning standards and policies concerned with land use, building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town. S.300-57

To the Salisbury Board of Appeals;

The undersigned petitions the Board of Appeals to allow by Special Permit, in the manner and for the reasons hereinafter set forth in this application and as per the provisions of the zoning ordinance, to the following described premises;

1. APPLICANT'S CONTACT INFORMATION

Name of Homeowner : _____
Full Name

Address : _____
#/Street Town/City State

_____ Phone _____ Email

2. ADDITIONAL INFORMATION

Assessors Map and Lot/Parcel	_____ / _____	_____
	<small>Map Lot</small>	<small>Assessing Dept. Sign-off</small>

Zoning District _____ (see Building Dept.) Area of Lot _____ sq ft

Has the Applicant appeared before any other Town Board/Commission related to this Request? _____
yes/no

What Zoning Bylaw Section is Special Permit being requested from? _____
Article XI - Acc. Apartments
Section # & Title

3. REQUEST FOR RELIEF INFORMATION

Is this for a new Accessory Apartment? _____ Is this for a previously existing Accessory Apartment? _____

After notice and public hearing, and after due consideration of the reports and recommendations of the Planning Board and the Health Board the Zoning Board of Appeals may grant such a Special Permit provided the Board finds the following facts;

A Is the Apartment is accessory to the principal residence? *The floor area of the apartment shall not be more than 900 total square feet for all new construction or additions to existing residential structure.*

_____ no _____ yes _____ if no, please explain

B Is the Apartment or the Principal Residence to be occupied by the Owner of the lot? _____

C Has adequate provision been made for the disposal of sewage, waste and drainage generated by the occupants of such apartment in accordance with the requirements of the Board of Health? _____

no yes if no, please explain

D Has adequate provision been made for 2 means of egress to the outside of the Apartment?

no yes if no, please explain

E Will the construction and occupancy of the apartment be detrimental to the neighborhood or injurious to persons or property?

no yes if yes, please explain

F Does the lot, on which the apartment and principal residence are located, contain at least 20,000 sf?

no yes if no, please explain

G Have adequate provisions been made for off street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence.

no yes if no, please explain

H Is there already another apartment on the lot on which the apartment is to be located?

no yes if yes please explain

** If the requested Special Permit is to be granted, the Board may impose conditions as it finds reasonably appropriate to safeguard the neighborhood in accordance with the applicable By-law.*

4. AFFIDAVIT & SIGNATURES

By entering and signing my name below, I hereby attest under the pains and penalties of perjury, that all of the information contained in this Petition for Relief is true and accurate to the best of my knowledge and understanding.

Applicant's Signature: _____

5. DOCUMENTATION TO BE ATTACHED

Is a Site Plan, with building dimensions, attached to this application?

no yes if no, please explain

Is a Floor Plan, with dimensions, showing the Accessory Apartment and Principal Residence attached to this Application?

no yes if no, please explain

Is a letter of approval from the Board of Health attached to this application?

no yes if no, please explain

Is a letter of approval from the Planning Board attached to this application?

no yes if no, please explain

Please also see CHECKLIST FOR RELIEF PETITIONS as provided by the Town of Salisbury.

APPEALS PROCESS INFORMATION

APPEALS

- * Within **(14) days** of acting on a Petition for Relief, the Board will file the **decision** with the Salisbury Town Clerk.
- * Notice shall be mailed to the Petitioner/Appellant and parties of interest once a **decision** is filed.
- * The **decision** may be appealed within **(20) days *after*** filing with the Salisbury Town Clerk.

All Appeals shall be conducted in accordance with Mass. General Law, Ch.40A, Section 17

DECISION FILING W/REGISTRY

- * After the **(20) days** appeal period, a Certified Copy of the decision will be available from the Town Clerk.
- * The variance will take effect once the **Petitioner/Appellant** has picked up the Certified Copy from the Town Clerk and recorded it with the Salem Registry of Deeds. The Town of Salisbury does ***not*** record the decision for you.
- * A copy of that recorded decision will need to be filed with a Building Permit Application before a permit is issued.
- * The decision will lapse if substantial use is not made within 2 years of the Clerk's filing.

CAVEAT FOR INCOMPLETE SUBMISSION

Please be advised, if the application is submitted without complete information, not fully filled out or lacks signatures, the Zoning Board of Appeals has the right to dismiss without prejudice.

THIS FORM IS NOW COMPLETE AND READY FOR SUBMISSION TO THE SALISBURY TOWN CLERK

CHECKLIST for PETITIONS of RELIEF

SALISBURY ZONING BOARD OF APPEALS

STEP 1 - PREPARING THE PETITION PACKAGES

Applicant shall prepare Seven (7) 'packages', each containing the following;

- A** A **Certified Plot Plan** - It shall adhere to the following criteria;
 - 1 Must be certified & stamped by a licensed surveyor or engineer
 - 2 Accurately place and show all existing & proposed structures, with their setbacks
 - 3 Show other pertinent features, such as the septic system
 - 4 Show any easements and/or right-of-ways, public or private, that abut or cross the lot
 - 5 The address, map and lot shall be on the drawing
 - 6 Show any applicable flood elevations and flood zone designations
- B** A **Project Drawing** - Provide side views (elevations), with heights, of the proposed project
Please provide a PDF version of the Project Drawings for Display at the ZBA Hearing
- C** **Tax Collector** statement - Provide a statement indicating that taxes and fees are currently paid
- D** **Deed** - Provide a copy of the **Property Deed**, showing the Applicant's Ownership interest
OR
If Applicant is not the Property Owner, the **actual Property Owner** shall sign the Application
- E** **Application** - include a copy of the **Petition for Relief Application**

STEP 2 - ASSEMBLING THE PETITION PACKAGES

- F** Assemble all of the items into Seven (7) paper clipped packages.
- G** **Assessor's Office** - Acquire Two (2) copies of the Certified Abutters List (\$15 fee)
- H** Write a **check/cash** to pay for the appropriate Zoning Board fees (see the 2009 fee schedule)

STEP 3 - SUBMISSION OF THE PETITION PACKAGES

- I** **Town Clerk** - Bring all (7) packages, (2) Abutter's lists and Payment to the Salisbury Town Clerk.
- J** The Salisbury **Zoning Secretary** will contact you within a few days to schedule your hearing.

STEP 4 - ADDITIONAL ITEMS

- K** **Legal Ad** - The legal ad will be created and submitted to the Newspaper by the Zoning Secretary.
The Newburyport Daily News will contact you, the Applicant, directly for payment.
- L** **Abutter's Notices** - These will be mailed by the Salisbury Zoning Secretary, using the labels that the Applicant purchased from the Assessor's office and provided in the package.

CAUTION : If the Application or Submission Package is submitted without the proper information, is incomplete or not signed, the Board has the right to dismiss your Petition for Relief without prejudice.

Chapter 300. ZONING

Article XI. Accessory Apartments

[Added 5-19-1986 ATM by Art. 54]

§ 300-57. Purpose

The special regulations contained in this article have been enacted for the purpose of encouraging the construction of a limited number of housing units suitable for occupancy by persons that may not need or afford single-family detached housing, while ensuring compliance with local planning standards and policies concerned with land use, building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

§ 300-58. Approving authority

[Amended 10-25-1999 ATM by Art. 7; 10-26-2009 ATM by Art. 19]

An owner or owners of a single-family detached dwelling may, after consultation with the Planning Board, apply to the Zoning Board of Appeals for a special permit for the construction and occupancy of an accessory dwelling unit as part of the principal residential structure, the accessory dwelling unit thus created being hereinafter referred to in this article as an apartment. The following procedural requirements shall be in addition to the general requirements for a special permit specified in § 300-35.

§ 300-59. Standards and conditions

After notice and public hearing, and after due consideration of the reports and recommendations of the Planning Board and the Board of Health, the Zoning Board of Appeals may grant such a special permit provided that:

- A. The apartment is accessory to the principal residence. The floor area of the apartment shall not be more than 900 total square feet for all new construction or additions to existing residential structures, and the total area of the enclosed space in all buildings on any lot does not exceed 25% of the area of the lot.

[Amended 10-25-1999 ATM by Art. 7]

- B. Either the apartment or the principal residence is occupied by the owner of the lot on which the apartment is to be located, except for bona fide temporary absences.

- C. Adequate provision has been made for the disposal of sewage, waste, and drainage generated by the occupancy of such apartment in accordance with the requirements of the Board of Health and the Board of Selectmen, including the provision of a separate septic system meeting Title Five requirements if a sewerage connection is not available.
[Amended 10-25-1999 ATM by Art. 7; 10-23-2006 ATM by Art. 5]
- D. Adequate provision has been made for ingress and egress to the outside from such apartment.
- E. The construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.
- F. The lot on which the apartment and principal residence are located contains at least 20,000 square feet. *Editor's Note: Original Sec. X.D.3(7), which immediately followed this subsection, as amended 5-17-1993 ATM by Art. 26, was deleted 10-25-1999 ATM by Art. 7.*
- G. Adequate provision has been made for off street parking of motor vehicles in such a fashion as is safe and is consistent with the character of a single-family residence. Parking shall be provided at least at a rate of two spaces per dwelling unit.
- H. There is no other apartment on the lot on which the apartment is to be located.

§ 300-60. Coordination and decisions

- A. In order to insure compliance with § **300-59** above, the applicant shall obtain and submit to the Zoning Board of Appeals, prior to the hearing, a written report of the Board of Health certifying that the conditions of § **300-59** have been met. The Board of Health may supplement its report within five days after the hearing. In connection with an application for a special permit under this article, the applicant shall consult with the Planning Board prior to the hearing and the Planning Board shall submit, in writing, prior to the hearing, its recommendation and report to the Zoning Board of Appeals. The Planning Board may supplement its report within five days after the hearing. The report of the Planning Board shall include as a minimum:
 - 1) A determination of the area of the lot on which the apartment is located.
 - 2) A general description of the neighborhood in which the lot lies and the effect of the proposed apartment on the neighborhood.
 - 3) The Planning Board's recommendations as to the advisability of granting the special permit and as to any restrictions which should be imposed as a condition of such permit.
- B. The Zoning Board of Appeals shall give due consideration to the report of the Planning Board and, where its decision differs from the recommendation of the Planning Board, shall state the reasons therefor in writing. In rendering its decision, the Zoning Board of Appeals may impose special conditions and/or time limits on the permit.

Zoning Board Fees

Effective November 2, 2009

<u>REQUEST</u>	<u>Fee Schedule</u>
Special Meeting	To hold a Special Meeting \$230*
Appeal	\$110 (1&2 Family) \$200 + 25/unit (multi- family residential and commercial) * *includes postage, applicant pays for legal ad
Variance	\$110 (1&2 Family) \$200 + 25/unit (multi- family residential and commercial) Maximum of \$2500 per variance request**includes postage, applicant pays for legal ad 6- month variance extension= \$100
Findings	\$110 (1&2 Family) \$200 + 25/unit (multi- family residential and commercial)* Maximum of \$2500 per application includes postage, applicant pays for legal ad
Special Permit	\$250* includes postage, applicant is responsible for the legal ad Renewal \$200
Comprehensive Permit	\$225 per unit if project is 100% Affordable Housing - \$100 per unit includes postage, applicant is responsible for the legal ad

Town of Salisbury Water & Sewer Access Fee Determination and Acknowledgement

Applicant Name: _____ Contact Phone No. _____

Billing/Mailing Address: _____

Property Address: _____ Unit No. _____ Map _____ Pcl _____

Current Property Use: _____

Proposed Project/Property Use: _____

No. Sewer EQRs Assigned: _____ No. EQRs For Which Betterment Was Paid _____

Official Use Only

New EQRs (based on proposed property use) _____ How calculated _____

No. EQRs For Which Sewer Betterment Was Paid _____

Water Access Fee (New EQRs less Betterment EQRs Paid times fee):

_____ less _____ times \$4,608 = \$_____

Sewer Access Fee (New EQRs less Betterment EQRs Paid times fee):

_____ less _____ times \$3,080 = \$_____

Town Official Signature: _____ Date: _____

Notes: _____

I acknowledge receipt of this preliminary access fee determination and agree to pay the fees assessed upon installation of water and/or sewer service and receipt of a Certificate of Use and Occupancy, if applicable.

Applicant Signature: _____ Date: _____

Collector Use Only

Access Fee Paid: Water: _____ Date: _____ Sewer: _____ Date: _____

Collector Signature: _____ Date: _____