



TOWN OF SALISBURY, MA
ZONING BOARD OF APPEALS

PETITION for RELIEF - FINDING

as per M.G.L. Ch. 40A, Section 6 and Salisbury Zoning By-Law Article VII, section 300-21

To the Salisbury Board of Appeals;

The undersigned petitions the Board of Appeals for relief 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;

A. APPLICANT'S CONTACT INFORMATION

Name of Applicant:

Full Name

Business (DBA) Name:

Address of Applicant:

(personal/home)

#/Street

Town/City

State/Zip

Phone

Email

Is the Applicant the Owner of this Property?

Lessee or Renter?

If the Applicant is an Agent for the Legal owner of the Property, please provide Legal Owner's Information below;

Name/Signature:

printed name

signature

Address:

#/Street

Town/City

State

Zip

Phone #

Email

B. ADDRESS and DIMENSIONAL INFORMATION

Location of Petitioned Premises

Assessors Map and Lot/Parcel

Map

Lot

Assessing Dept. Sign-off

Zoning District

type & number

Dimensions of Lot

(feet)

(feet)

Area

(sq. feet)

frontage

depth

What is Existing Use

(residential, commercial, industrial, other)

What is Proposed Use

(residential, commercial, industrial, other)

Has a Variance/Special Permit/Finding been requested before for this Premise? Or This Applicant?

(If yes, please attach a copy of that petition and decision)

yes/no

Has the Applicant appeared before any other Town Board/Commission related to this Request?

yes/no

C. REQUEST FOR RELIEF INFORMATION

Please State the reasons for the Request for Relief - Finding

What Zoning Bylaw Section is Relief being requested from?

Section 300 - _____

(consult with Building Inspector if unsure)

The Zoning Board of Appeals may permit one of the following with respect to pre-existing, non-conforming uses and structures after making the FINDINGS set forth below in Items #6 and #7.

1. Extension/Alteration of a Pre-Existing, Non-Conforming Use
2. Extension/Alteration of a Pre-Existing, Non-Conforming Structure

1 What is the current pre-existing, non-conforming USE of the structure (as per the Zoning Table of Uses)?

List the appropriate, or most closely related Use; _____

2 How will the current pre-existing nonconforming USE be Altered? Extended?

3 Is this a pre-existing, non-conforming STRUCTURE? Why is is pre-existing, non-conforming?

no

yes

n/a

if yes please explain

4 Will the pre-existing, non-confoming STRUCTURE be altered? Extended?

Altered

Extended

5 Has this pre-existing, non-conforming USE or STRUCTURE been abandoned or not used for more than 2 years?

no

yes

n/a

if no, please explain

6 Is the requested extension or alteration of the pre-existing, non-conforming Use or STRUCTURE substantially more detrimental to the nieghborhood?

no

yes

n/a

if yes, please explain

7 Will the requested extension or alteration of the pre-existing, non-conforming Use or STRUCTURE conform to existing zoning?

no

yes

n/a

if no, please explain

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

D. LEGAL NOTICE

M.G.L. Ch. 40A sets the legal requirement for a Finding:

The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in Section 11 and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable Zoning ordinance or bylaw where such permit granting authority finds that owing to circumstances relating to soil conditions, shape or topography of such land or structures by not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.

E. DOCUMENTATION TO BE ATTACHED

Is a Site Plan attached to this application?

no

yes

n/a

if no, please explain

S. 330-35E - A person may, prior to submitting the application for Relief by Special Permit, meet with the ZBA and orally describe the project. The Board may waive or modify the requirements for a detailed site plan as described above after such meeting.

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

F. APPEALS PROCESS

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 **(21) 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 **(21) 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.

G. 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.

H. 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: _____

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

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 |

CHECKLIST for All Petitions for Zoning Relief

SALISBURY ZONING BOARD OF APPEALS

STEP 1 - PREPARING THE PETITION PACKAGES

Applicant shall prepare Ten (10) '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 zoning setbacks dimensionally shown
 - 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 height dimensions, of the proposed project
- B1** *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 (Variance, Special Permit, Finding or Other)**
- F** **Letter of Notice** - If this Petition is in response to a Letter of Notice from the Building Department;
please attach a copy of that Letter or Notice

STEP 2 - ASSEMBLING THE PETITION PACKAGES

- G** Assemble all of the items into **Ten (10)** paper clipped packages.
- H** **Assessor's Office** - Acquire Two (2) copies of the Certified Abutters List (\$25 fee)
- I** Write a **check/cash** to pay for the appropriate Zoning Board fees (see the 2009 fee schedule)

STEP 3 - SUBMISSION OF THE PETITION PACKAGES

- J** **Delivery to Building Department**
 - * The Building Commissioner reserves the right to review the submission for errors and omissions prior to submission to the Clerk.
 - * All Applicable time periods, per Ch.40A, shall not begin until this review is completed.
 - * The Commissioner will endeavor to review and forward all packages to the Clerk within 3 business days.
 - * This Step does **not** apply to an Administrative Appeal - Please submit directly to the Town Clerk.

Date of Department Receipt

Accepted by Building Commissioner

- K** **Submittal to Town Clerk** - The Building Department will forward all (10) packages, (2) Abutter's lists and Payment to the Town Clerk. The Zoning time clock will start at that time.
- L** The **Salisbury Zoning Secretary** will contact you within a few days to schedule your hearing.

STEP 4 - ADDITIONAL ITEMS

- M** **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.
- N** **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.