



TOWN OF BILLERICA

**Zoning Board of Appeal
365 Boston Road
Billerica, Massachusetts 01821
Telephone: 978-671-0964**

INSTRUCTIONS FOR FILING AN APPLICATION TO THE BOARD OF APPEAL FOR A SPECIAL PERMIT AND/OR VARIANCE, AS ALLOWED UNDER THE ZONING BY-LAW.

- 1) Obtain application/s for a Board of Appeal public hearing from the Board of Appeal Office, Monday – Friday, 8:30 a.m. – 4:00 p.m. (Room G07) Phone: (978) 671-0964 (Jane).

All documents shall be retained by the Board of Appeal and become the property of the Board of Appeal for their records.

- 2) The following information is required to be submitted to the Board of Appeal through the Town Clerk's Office for each application, except when noted.
 - A) Two copies of the application for a public hearing bearing the signature of the applicant, or their attorney or agent, as so designated by the applicant. A letter by the attorney or agent must accompany the application stating they represent the applicant. If the applicant is a leasee on the property, he or she must submit a letter from the lessor stating he or she has no objection to the leasee seeking a Special Permit and/or Variance to his/her property.
 - B) Describe your reason/s for requesting the Special Permit and/or Variance on the application forms.
 - C) Five plot plans shall be submitted with the petition/s by the petitioner. Each plan shall be prepared, stamped and signed by the following:
 1. Professional Civil Engineer where there are existing and proposed building/s shown on the plan.
 2. Professional Registered Land surveyor where there are only existing buildings shown on the plan.
 3. Plans must be certified that it is not within the Green Engineering Flood Plain.



4. No mortgage survey plans will be accepted with any petition.
 5. Any change in structure will require plans showing existing grades and structures and finished grades and structures.
 6. All plans must be either 8 1/2" x 11" or individually pre-folded to 8 1/2" x 11", with the title block facing forward.
 7. Only five plans are required when requesting a Variance and Special Permit.
 8. Three highlighted floor plans must be submitted, with the plot plans, when applying for an In-Law Apartment. Also, include a floor plan of the existing and proposed dwelling and a drawing of the exterior of the existing and proposed addition.
 9. Five copies of sign description plans, when applying for sign permits.
- D) The five plot plans shall have a title block on them showing the following information: who prepared the plans, date prepared, zoning district and Assessor's Office plate and parcel number.
- E) The plot plans shall show all front, side and rear setbacks on all existing and proposed buildings.
- F) The plot plans shall show the dimensions of the lot and percentages of the lot covered by the existing and proposed buildings.
- G) A preliminary sketch of the proposed building/s must show the size of the foundation and the height of the building/s.
- H) The plot plans shall show all easements, right of ways, entrances, exits and the driveways.
- I) Show all types of signs, lighting fixtures, parking areas and the required number of parking spaces on the plans.
- J) Show all topographical features of the land, such as ledge, rock, peat, and all natural conditions of the water, brook, stream and rivers in relationship to this parcel.
- K) A Locus Plan shall be submitted showing the distance to the nearest intersecting streets and major roadways in relation to this parcel.



- L) All green strips, green space shall be colored green on the plans, when applying for relief of such Zoning By-law requirements.
- M) A traffic report must be submitted with the petition, when applying for a restaurant with a drive-through window.
- 3) A copy of the deed of the owner's/applicant's parcel showing the Registry of Deeds Book and Page numbers. Also, a copy of the Purchase and Sale Agreement, if the applicant is purchasing the parcel of land.
- 4) A Certified Abutters List must be furnished with each application to the Board of Appeal. This information can be obtained at the Assessor's Office – Room 109
- 5) A check for \$50.00 for each residential petition, made payable to the Town of Billerica, is required at the time of application. A check for \$150.00 for each non-residential petition is required at the time of application.

All petitions are advertised in the Billerica Minuteman. The petitioner will be billed directly by the advertising company for the cost of each legal ad. All bills should be paid prior to the public hearing.

TIME FRAME INFORMATION FOR BOARD OF APPEAL CUSTOMERS APPLYING FOR A PUBLIC HEARING/S.

When an application package is completed and submitted to the Town Clerk, the time frame begins according to Massachusetts General Laws, Chapter 40A, as follows:

- 1) A public hearing will be heard regarding your petition/s within the required 65 days of submittal to the Town Clerk.
- 2) The Board of Appeal is required to write a decision for each petition and record the signed decision with the Town Clerk no later than fourteen (14) days from the date of decision by the Board.
- 3) There is a "20 Day Appeal Period" from the date stamped by the Town Clerk for each decision.
- 4) If granted, after the twenty (20) day appeal period has expired and within ninety (90) days of the decision, the petitioner is required to return to the Town Clerk's Office to have the decision certified by the Town Clerk, then proceed to the Middlesex North Registry of Deeds in Lowell to record said decision, then bring/send a copy of the Registry Receipt to the Board of Appeal and Building Department immediately.

If you have any questions on our procedures, please contact the Board of Appeal office at (978) 671-0964.



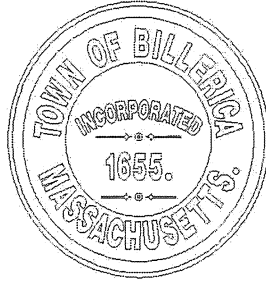
**INSTRUCTIONS FOR PETITIONERS FILING TO APPEAR BEFORE THE PERMIT
OR SPECIAL PERMIT GRANTING AUTHORITY**

- 1) Please review all rules and regulations of the Authority prior to appearing before the Board of Appeal.
- 2) An Appeal to the Board of Appeal, from the order of the zoning administrator, including the building inspector, shall be taken within thirty (30) days of the order of the decision which is being appealed.
- 3) To be granted a Variance, a petitioner must establish that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures, but 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 the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such ordinance or bylaw.
- 4) In order to expedite consideration of your petition, included all factors that may be relevant to the question of items set forth in Paragraph #3.
- 5) If your petition is for a Special Permit rather than for a Variance, be prepared to present data that tends to indicate the public convenience and welfare will be substantially served by granting the permission requested; that the permission requested will not tend to impair the status of the neighborhood; that the permissions requested will be in harmony with the general purposes and intent of the regulations of the Zoning By-law.

BY THE ZONING BOARD OF APPEALS
TOWN OF BILLERICA

Note: This information is taken from the Guide Book for the Massachusetts Federation of Planning Boards and Appeals Boards, Inc.

12/27/01
1/31/02
7/17/02
7/20/06
10/10/06



Town of Billerica

Zoning Board of Appeals

(Please File this Form with the
Town Clerk)

_____ 20_____

The undersigned hereby petitions the Board of Appeals for a special permit for an exception to the Zoning By- Laws of the Town of Billerica at _____

(Insert Address)

Please describe the following changes below:

Or any limitation, extension, change, alteration, or modification of use, or method of use as may at hearing appear as necessary or proper in the premises.

State Briefly Reasons for Special Permit:

Owner of Property _____

Petitioner _____

Address _____

Telephone Number _____

BILLING AUTHORIZATION FORM

Date: _____

A legal notice shall be published for the Zoning Board of Appeals Hearing in the Town of Billerica. Said hearing shall be held on _____. Legal notices are submitted to the **Billerica Minuteman** for publication on the following dates:

_____ and _____.

I hereby **agree and authorize** that the required legal notice **be billed directly to me** by GateHouse Media New England, d/b/a, Community Newspaper Company Inc. /Billerica Minuteman.

Printed Name: _____

Signature: _____

For: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____