

**Town of Newbury Zoning Board of Appeals
PROCEDURE AND REQUIREMENTS FOR FILING AN APPLICATION
FOR A SPECIAL PERMIT/FINDING FOR NON-CONFORMITIES**

Directions and Documentation

The application with all required information and documentation shall be submitted no less than thirty (30) days prior to the anticipated public hearing date.

Failure to submit the required information within the time period prescribed may result in a dismissal by the Zoning Board of Appeals (ZBA) as an incomplete application.

The information herein is an abstract of the specific requirements listed in the ZBA's Rules and Regulations.

Step 1: Permit Denial: The petitioner applies for a Building or Use Permit and receives a letter of denial from the Building Inspector/Zoning Enforcement Officer.

Step 2: Special Permit/Finding for Non-Conformities Application Form: Pages 1A and 2A are to be completed by the petitioner to petition the ZBA for a Special Permit/Finding for Non-Conformities.

All information as required in steps 1 through and including 13 shall be completed and submitted with the application.

Step 3: Plan Preparation: Petitioner submits all of the required plan information as cited in step 12 on page 2 of this application.

Step 4: Submittal of Applications: Petitioner submits three (3) copies of the application. Each application shall include pages 1A and 2A and all the required written documentation and plans. The applications will consist of one original and two copies. The three applications are to be stamped by the Town Clerk certifying the time and date of filing.

Step 5: Application filing fees: A filing fee of \$75 will be submitted with the application.

Step 6: List of Parties in Interest: Petitioner will obtain from the Assessor's Office a certified list of parties in interest (abutters within 300 feet).

Step 7: Scheduling of Hearing and Preparation of the Legal Notice: The ZBA Office schedules the hearing date and prepares the legal notice for mailing to the parties in interest and for publication in the newspaper. The petitioner is responsible for mailing costs (certified mail) and publication charges for the legal notice in the Daily News.

Step 8: Delivery of Legal Notice to Newspaper: Petitioner delivers the legal notice to the Daily News, Liberty Street, Newburyport (978-462-6666). The cost of the legal notice is the responsibility of the petitioner.

Step 9: Public hearing before the Zoning Board of Appeals: The petitioner should appear in his/her behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of the petitioner, the ZBA shall decide on the matter by using the information it has otherwise received.

Step 10: Decision: After the hearing, and decision of the ZBA, a written decision will be filed with the Town Clerk. An appeal of the ZBA's decision must be made pursuant to MGL's Ch.40A Sec.17, within twenty (20) days after the decision is filed.

Step 11: Recording the Decision: The petitioner is responsible for recording the certified decision at the Essex County Registry of Deeds in Salem, MA and a copy of the recording must be filed with the ZBA office.

Step 12: Required Written Documentation: A legibly written or typed detail sheet identifying the facts that have been relied upon to support the issuance of a special permit/finding shall be submitted with the completed application addressing each of the points below.

1. Identify the particular use existing or proposed for the land or structure
2. Identify the particular respect in which the existing structure or use does not conform to the requirements of the present zoning
3. Identify whether the proposed use, extension, alteration or addition would intensify the existing non-conformities or result in additional ones
4. Identify the facts relied upon to support the petition that the proposed use, extension, alteration or addition shall not be more detrimental than the existing

Step 13: Plan(s) Requirements: The application shall be accompanied by the following plan requirements:

1. Plans showing the existing structure's dimensional controls, if any; and
2. Plans showing the proposed dimensional setbacks for the structure, building and or addition in relation to the existing structure; and
3. Building elevation plans showing the median height and the ridge height of the existing structure and the proposed structure for which the approval is sought

Features to be indicated on the Plan(s):

1. North point
2. Zoning district and dimensional controls
3. Address of location
4. Names of streets
5. Wetlands (if applicable)
6. Dimensional setbacks for the proposed structure or building
7. Locations of buildings on adjacent properties and setbacks from property lines
8. Deed restriction, easements (if applicable)

Legend & Graphic Aids:

1. Proposed features in dashed lines
2. Features to be removed and or existing in solid lines
3. Graphic scale
4. Date of Plan
5. Title of Plan
6. Names, addresses and phone numbers of the Applicant, owner of record and designer or surveyor

Application Form for a Special Permit/Finding for Non-Conformities

Town Clerk
Date & Time
Stamp Here

Petitioner: Name, address, and telephone number

Owners of Land: Name, address, and telephone number, and number of years under this ownership:

Years owned land: _____

Location of Property:

Street: _____

Zoning District _____

Assessors: _____

Map number: _____

Lot number: _____

Registry of Deeds: _____

Book number _____

Page number: _____

Section under which the petition for the special permit/finding for non-conformities is made:

Refer to permit denial and Zoning Bylaws

The description as provided below shall be used for the purpose of the legal notice and decision. A more detailed description is required pursuant to the Zoning Board Rules and Regulations as cited on page 2A of this application.

The description of the request for the special permit/finding for non-conformities:

All information contained within this application will become a formal part of the Zoning Board of Appeals proceeding and decision.

Any advice, opinion or information given by any board member or any other official or employee of the Town of Newbury shall not be binding on the Board.

Application Form for a Special Permit/Finding for Non-Conformities

Existing Lot:

Lot s/f	Percent Lot Coverage	FAR	Height	Frontage Feet	Minimum Lot Setbacks			
					Front	SideA	SideB	Rear
_____	_____	_____	_____	_____	_____	_____	_____	_____

Proposed lot(s):

Lot s/f	Percent Lot Coverage	FAR	Height	Frontage Feet	Minimum Lot Setbacks			
					Front	Side A	Side B	Rear
_____	_____	_____	_____	_____	_____	_____	_____	_____

Zoning Ordinance Requirements for Lot:

Lot s/f	Percent Lot Coverage	FAR	Height	Frontage Feet	Minimum Lot Setbacks			
					Front	SideA	Side B	Rear
_____	_____	_____	_____	_____	_____	_____	_____	_____

Existing Building(s):

Ground Floor sq./ft.	Number of Floors	Total s/f	Use of Building
_____	_____	_____	_____
_____	_____	_____	_____

Every application for a Special Permit/Finding for Non-Conformities shall be made on this form which is the official form of the ZBA. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the Town Clerk does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses of the filing and legal notification. Failure to comply with the application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the ZBA of this application as incomplete.

Petitioner and Landowner signature(s):

Signature _____
 Print name _____

Signature _____
 Print name _____