

RULES OF THE NEWBURY ZONING BOARD OF APPEALS

These rules are prepared pursuant to Section 13 of the Zoning Enabling Act. The purpose of the rules is to establish procedures to expedite the Board's business and to clarify the obligations of the parties in proceedings coming before the Board.

A. DUTIES OF THE PETITIONER

1. **Building permit application**
Petitioner applies for a building permit and receives a letter of denial from the Building Inspector.
2. **Application form for variance**
Obtain application form from the Building Inspector with a list of rules
 - a. Any appeal must be filed by the petitioner with the Town Clerk. A copy of the appeal including a certification by the Town Clerk of the date and time of filing, must be filed forthwith by the petitioner with the Zoning Board of Appeals and the officer or board whose order or decision is being appealed.
 - b. Any petition for a variance shall be filed by the petitioner with the Town Clerk. A copy of the petition, including a certification by the Town Clerk of the date and time of filing, must be transmitted forthwith by the petitioner to the Zoning Board of Appeals and the Building Inspector.
3. Send five (7) copies of completed certified application, letter of denial from the Building Inspector and all other pertinent information, to the Zoning Board of Appeals Clerk, 25 High Road, Newbury, MA 01951, with application fee of one hundred twenty five (\$125) dollars payable to the Town of Newbury.
4. Petitioner will obtain a certified list of **abutters** from the Assessors' Office. Legal notices must be mailed by "**certified mail, return receipt requested**", to **abutters**, owners of land directly opposite on any public street or way and **abutters to abutters** within three hundred (300) feet of the property lines, all as they appear on the most recent applicable tax list; and the **Newbury Planning Board, 25 High Road, Newbury, MA 01951**; and any other appropriate Planning Boards.
5. The legal notice must be published as a "legal notice" in the Newburyport Daily News, once a week for at least two successive weeks, with the first publication to be not less than fourteen (14) days prior to the hearing. Costs of publication and mailing are to be borne by the Petitioner.
6. At the hearing, the petitioner shall present Assessors' certification and be prepared to furnish proof, in the form of postal receipts, newspaper tear sheets and/or the like of compliance with the notice requirements. The petitioner shall obtain requisite information about persons entitled to notice from the Assessors of the Town of Newbury.

7. An original site plan prepared by a registered professional engineer and/or land surveyor shall be submitted. The plan shall be clearly and legibly drawn in black ink on mylar at a scale of 1"=40' on 24"x36" sheets. Plan shall indicate zoning districts; north point; scale; lot area in square feet; property lines; elevations; buildings and/or additions including mean height; setbacks from property lines; and use(s).

When applicable to the requested variance, required parking spaces, entrances, exits, driveways, proposed landscaping, planting strips etc. shall all be shown on the plan.

The site plan (as approved or amended by the Zoning Board of Appeals) shall be considered a part of the application and will be recorded with the Board's decision, should the petition be granted.

- a. A locus plan at the scale of 1"=200' (or the same scale as the reduced Assessors plates) shall be submitted on an 8 1/2 x 11 inch sheet.
 - b. Petitioner shall submit a copy of deed to subject property at hearing.
8. The statements, comments or opinions of any member to the Board or of any Town official to the contrary notwithstanding, the responsibility for knowing and complying with the current laws and bylaws affecting any matter, remains with the petitioner.
9. Any petition for a variance which has been transmitted to the Zoning Board of Appeals may be withdrawn without prejudice by the petitioner prior to publication of the Notice of Public Hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the Zoning Board of Appeals.

B. HEARINGS

1. Hearings will be conducted in an informal a manner as possible, in accordance with these rules and with Robert's Rules of Order. Unless the Chairman otherwise directs, the hearing agenda will ordinarily follow this outline:
 - a. Chair will call hearing to order; notice of meeting read by Clerk; designates an associate in the event of absence of any regular member; outlines to petitioner and to others present the manner in which the meeting will be conducted.
 - b. Petitioner submits necessary documents and proof of notice, presents facts and arguments with specific citations to relevant portions of laws and bylaws; answers questions from the Board; Chair may recognize questions from the floor intended for clarification.
 - c. Other persons wishing to support petitioner may speak.
 - d. Persons opposed to petition may address the Board and offer facts and arguments tending to show why the petition should not be granted, or

suggest appropriate conditions or limitations to be imposed. Chair will recognize questions from the Board and the floor.

- e. Petitioner may speak in rebuttal of opponents.
- f. Opponents may answer rebuttal.
- g. Hearing will be closed, and the Board will meet after short recess if necessary, at which time the matter may, but not necessarily, be determined.

C. CONDITIONS AND RESTRICTIONS

- 1. Petitioner is responsible for recording certification of decision and any accompanying plan at the Essex County Registry of Deeds, Salem, MA and shall submit to the Zoning Board of Appeals and the Building Inspector, copies of the variance filing with Book and Page prior to commencement of a building permit application.

D. SUSPENSION AND AMENDMENT

- 1. These rules may be suspended wholly or in part by two of the three members sitting at a hearing (including the Associate or Associates designated for that hearing).
- 2. These rules may be amended without notice by vote of three of the members and associate members comprising the Board.

Adopted by unanimous vote of the Board as amended this 24th day of October 2013.

ZONING BOARD OF APPEALS
TOWN OF NEWBURY