



TOWN OF BILLERICA

**Zoning Board of Appeals
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 Appeals Office, Monday – Friday, 8:30 a.m. – 4:00 p.m. (Basement Floor) Phone: (978) 671-0964 (Olivia).

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 applicant/s stating they represent the applicant. If the applicant is a lease on the property, he or she must submit a letter from the lessor stating he or she has no objection to the lease seeking a Special Permit and/or Variance to his/her property. Describe your reason/s for requesting the Special Permit and/or Variance on the application form and what section of the Zoning By-Laws is being appealed.

- B) 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 or plot 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 and electronically submitted.
 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 dwelling and a drawing of the exterior of the existing proposed addition.
 9. Five copies of sign description plans, when applying for sign permits.
- C) The five plot plans shall show the following:
- A title block showing the following information: who prepared the plans, date prepared, zoning district and Assessor's Office plate and parcel number
 - Adjacent lots showing any existing structures.
 - A "building envelope" showing where the proposed house can go.
 - All front, side and rear setbacks on all existing and proposed buildings. Include a Zoning Table showing the required and proposed showing all setbacks, area, etc.
 - The dimensions of the lot and percentages of the lot covered by the existing and proposed buildings.
 - A preliminary sketch of the proposed building/s must show the size of the foundation and the height of the building/s.
 - All easements, right of ways, entrances, exits and driveways.
- D) Show all types of signs, lighting fixtures, parking areas and the required number of parking spaces on the plans.
- E) 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.
- F) A Locus Plan shall be submitted showing the distance to the nearest intersecting streets and major roadways in relation to this parcel.



- G) All green strips, green space shall be colored green on the plans, when applying for relief of such Zoning By-law requirements.
- H) 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 (Type C) 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.
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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.
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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, include 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

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BOARD OF APPEAL
365 Boston Road
Billerica, Massachusetts 01821
Telephone: 978-671-0964

NOTIFICATION PROCEDURE

The Board of Appeal procedure for notification to abutters in regards to your petitions/s

1. Submit a Certified Abutters List to the Board of Appeal, with each petition, and keep a copy of the list for mailing reference.
2. After publication of petitions/s the Board of Appeal office will send you a copy of the notification/s for the public hearing.
3. Send a copy of the notification/s Certified Mail to each abutter and one to each of the following abutting towns. The Certified Mail Slips can be obtained at the Post Office. (Green and white slips only – green cards not required)

Bedford Planning Board
10 Mudge Way
Bedford, MA 01730

Chelmsford Planning Board
50 Billerica Road
Chelmsford, MA 01824

Burlington Planning Board
29 Center Street
Burlington, MA 01803

Tewksbury Planning Board
1009 Main Street
Tewksbury, MA 01876

Carlisle Planning Board
66 Westford Street
Carlisle, MA 01741

Wilmington Planning Board
121 Glen Road
Wilmington, MA 01887

4. Bring the notification mail to the Post Office, so that all the Certified Mail Slips can be date stamped, at least 14 days before the hearing.
5. Send or deliver stamped Certified Mail Slips to the Board of Appeal office, Town Hall, 365 Boston Road, Billerica, MA, at least one week prior to the scheduled public hearing/s.

INACCURATE NOTIFICATION CAN BE A BASIS FOR APPEAL

DORIS M. PEARSON, CHAIRMAN

P.S. INACCURATE NOTICE OF HEARING TO ABUTTERS CAN BE A BASIS FOR AN APPEAL AND DEEM THE PETITION NULL AND VOID.

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: _____

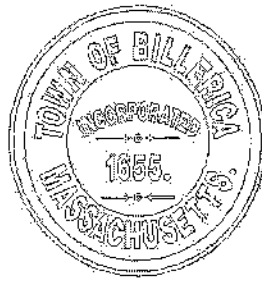
Signature: _____

For: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____



Case No.: _____

Date Filed: _____

Hearing Date: _____

Decision: _____

Office Use Only

Town of Billerica

Zoning Board of Appeals

VARIANCE APPLICATION

LOCATION:

Address: _____

Assessor's Map Plate: _____ Parcel: _____

Zoning District: _____

Lot Area: _____

Property Deed: Book: _____ Page: _____

Certificate No.: _____ Book: _____ Page: _____

APPLICANT:

Name: _____

Address: _____

Phone #: _____

OWNER:

Name: _____

Address: _____

Phone #: _____

PETITION FOR A VARIANCE:

Applicable Section(s) of the Zoning By-Law which you are seeking relief from: _____

Nature and Justification of Request: _____

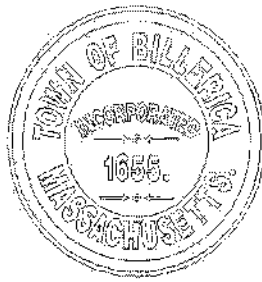
Hardship(s) as defined by MGL 40A § 10: Variances: _____

I hereby request a hearing before the Board of Appeals with reference to the above application.

Applicant/Agent Signature: _____ Date: _____

Building Commissioner Signature: _____ Date: _____

Comments: _____



Case No.: _____

Date Filed: _____

Hearing Date: _____

Decision: _____

Office Use Only

Town of Billerica
Zoning Board of Appeals
SPECIAL PERMIT APPLICATION

LOCATION:

Address: _____

Assessor's Map Plate: _____ Parcel: _____

Zoning District: _____

Lot Area: _____

Property Deed: Book: _____ Page: _____

Certificate No.: _____ Book: _____ Page: _____

APPLICANT:

Name: _____

Address: _____

Phone #: _____

OWNER:

Name: _____

Address: _____

Phone #: _____

PETITION FOR A SPECIAL PERMIT:

Applicable Section(s) of the Zoning By-Law which you are seeking relief from: _____

Nature and Justification of Request: _____

I hereby request a hearing before the Board of Appeals with reference to the above application.

Applicant/Agent Signature: _____ Date: _____

Building Commissioner Signature: _____ Date: _____

Comments: _____

