

**TOWN OF NORTH ANDOVER
ZONING BOARD OF APPEALS**

FINDING



**Procedure & Requirements
For an Application for a Finding**

Ten (10) copies of the following information must be submitted thirty (30) days prior to the first public hearing. Failure to submit the required information within the time periods prescribed may result in a dismissal by the Zoning Board of an application as incomplete.

The information herein is an abstract of more specific requirements listed in the Zoning Board Rules and Regulations and is not meant to supersede them. Items that are underlined will be completed by the Town.

STEP 1: ADMINISTRATOR PERMIT DENIAL:

The petitioner applies for a Building Permit and receives a Permit Denial form completed by the Building Commissioner.

STEP 2: FINDING APPLICATION FORM:

Petitioner completes an application form to petition the Board of Appeals for a FINDING. All information as required in items 1 through and including 11 shall be completed.

Step 3: PLAN PREPARATION:

Petitioner submits all of the required plan information as cited in item 10 page 4 of this form.

STEP 4: SUBMIT APPLICATION:

Petitioner submits one (1) original of all the required information and 10 xerox copies to the ZBA Secretary. The original will be stamped by the Town Clerk certifying the time and date of filing. The remaining ten copies will remain at the office of the Zoning Board of Appeals secretary.

STEP 5: LIST OF PARTIES IN INTEREST:

Once the petitioner submits all of the required information, the petitioner requests from the Assessors Office a certified list of Parties in Interest (abutters).

STEP 6: SCHEDULING OF HEARING AND PREPARATION OF LEGAL NOTICE:

The Office of the Zoning Board of Appeals schedules the applicant for a hearing date and prepares the legal notice for mailing to the parties in interest (abutters) and for publication in the newspaper. The petitioner is notified that the legal notice has been prepared and the cost of the Party in Interest fee.

STEP 7: DELIVERY OF LEGAL NOTICE TO NEWSPAPER/PARTY IN INTEREST FEE:

The petitioner picks up the legal notice from the Office of the Zoning Board of Appeals and delivers the legal notice to the local newspaper for publication.

STEP 8: 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 Board shall decide on the matter by using the information it has otherwise received.

STEP 9: DECISION:

After the hearing, a copy of the Board's decision will be sent to all parties in interest. Any appeal of the Board's decision may be made pursuant to Massachusetts General Laws ch. 40A sec. 17, within twenty (20) days after the decision is filed with the Town Clerk.

Step 10: RECORDING CERTIFICATE OF DECISION PLANS.

The petitioner is responsible for recording certification of the decision and any accompanying plans at the Essex County North Registry of Deeds, Lawrence Massachusetts, and shall complete the Certification of Recording form and forward it to the Zoning Board of Appeals and the Building Department Office.

IMPORTANT PHONE NUMBERS:

978-688-9541 Zoning Board of Appeals Office
978-688-9501 Town Clerk's Office
978-688-9545 Building Department

NORTH ANDOVER ZONING BOARD OF APPEALS

6. b. Existing Lot:

Lot Area Sq. Ft.	Open Space Sq. Ft.	Percent Lot Coverage	Frontage Feet	Parking Spaces	*	Minimum Lot set Back *		
						Front	Side A	Side B Rear
_____	_____	_____ %	_____	_____	_____	_____	_____	_____

c. Proposed Lot (S):

Lot Area Sq. Ft.	Open Space Sq. Ft.	Percent Lot Coverage	Frontage Feet	Parking Spaces	*	Minimum Lot set Back *		
						Front	Side A	Side B Rear
_____	_____	_____ %	_____	_____	_____	_____	_____	_____
_____	_____	_____ %	_____	_____	_____	_____	_____	_____

d. Required Lot: (As required by Zoning By-Law)

Lot Area Sq. Ft.	Open Space Sq. Ft.	Percent Lot Coverage	Frontage Feet	Parking Spaces	*	Minimum Lot set Back *		
						Front	Side A	Side B Rear
_____	_____	_____ %	_____	_____	_____	_____	_____	_____

7. a. Existing Buildings:

Ground Floor Square feet	Number of Floors	Total Sq. feet	Use of Building*
_____	_____	_____	_____
_____	_____	_____	_____

*Reference Use Code numbers and Uses from the Zoning By-Law State number of units in building.

b. Proposed Buildings:

Ground Floor Square feet	Number of Floors	Total Sq. feet	Use of Building*
_____	_____	_____	_____
_____	_____	_____	_____

*Reference Use Code numbers and Uses from the Zoning By-Law State number of units in building.

8. Petitioner and Landowner signature (s):

Every application for a Finding shall be made on this form which is the official form of the Zoning Board of Appeals. Every application shall be filed with the Town Clerk's Office. 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 or the Zoning Board of Appeals does not absolve the applicant from this responsibility. The petitioner shall be responsible for all expenses for filing and legal notification. Failure to comply with application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the Zoning Board of this application as incomplete.

Signature _____

Type above name (s) here _____

North Andover Zoning Board of Appeals

9. WRITTEN DOCUMENTATION

Application for a Finding must be supported by a legibly written or typed memorandum setting forth in detail all facts relied upon. This is required in the case of a finding when the following points based on MGLA ch. 40A sec. 6 and 9 and the North Andover Zoning By-Law Section 9.0 a request for a FINDING shall be clearly identified and factually supported: **Addressing each of the below points individually is required with this application.**

- A. The particular use proposed for the land or structure.
- B. Fact relied upon to support a Finding that the proposed extension or alteration shall not be more substantially detrimental than the existing non-conforming use.
- C. Addressing all details of the Building Commissioner's denial when appropriate.

10. Plan of Land

Each application to the Zoning Board of Appeals shall be accompanied by the following described plan. Plans must be submitted with this application to the Town Clerk's Office and ZBA secretary at least thirty (30) days prior to the public hearing before the Zoning Board of Appeals.

10 A. Major Projects

Major projects are those which involve one of the following whether existing or proposed: **a) five or more parking spaces, b) three or more dwelling units, c) 2000 square feet or more of building area.**

Minor projects that are less than the above limits shall require only the plan information as indicated with an asterisks (*). In some cases further information may be required.

10. B. Plan Specifications:

- a) Size of plan: Ten (10) copies of a plan not to exceed 11"x17" preferred scale of 1"=40'.
- b) Plan prepared by a Registered Professional Engineer and/or Land Surveyor, with a block for five ZBA signatures and date on mylar.

10 C. FEATURES TO BE INDICATED ON PLAN**A. Site Orientation shall include:**

1. North point
2. zoning district (s)
3. names of streets
4. wetlands to be shown on plan (if applicable)
5. abutters of property, within 300 foot radius
6. location of buildings of adjacent properties within 50' from applicants proposed structure
7. deed restrictions, easements

B. Legend & Graphic Aids:

1. Proposed features in solid lines & outlined in red
2. Existing features to be removed in dashed lines
3. Graphic Scales
4. Date of Plan
5. Title of Plan
6. Names addresses and phone numbers of the applicant, owner or record, and designer or surveyor.

10 D. FURTHER REQUIREMENTS:

Major Projects shall require that in addition to the above features, plans must show detailed utilities, soils, and topographic information. A set of building elevation and interior of building plans shall be required when the application involves new construction, conversion and/or a proposed change in use. **Elevation plans for minor projects include decks, sheds, & garages shall be included with a side view depicted on the plot plan, which include a ground level elevation.**

11. APPLICATION FILING FEES

- A. **Notification Fees:** Applicant is to send by certified mail all legal notices to all abutters, and then supply proof of mailing to the ZBA secretary. Applicant is to supply stamps (appropriate current postage) for mailing of decisions to all parties of interest as identified in MGLA ch. 40A, sec. 11 as listed on the application. ZBA Secretary will compute number of stamps.
- B. Applicant is to supply one (1) set of addressed labels of abutters to ZBA Secretary who will mail decisions to abutters and parties in interest.
- C. Administrative fee of \$50.00 per application.