



TOWN OF AMESBURY
AMESBURY ZONING BOARD OF APPEALS

SPECIAL PERMIT / FINDING APPLICATION

Based on Mass. General Laws – Ch. 40A, Section 10 & 14

**Any questions regarding this application, please contact
Denis Nadeau, Bldg. Commissioner / Zoning Compliance Officer @ 388-8129**

The Zoning Board of Appeals considers the following types of applications:

- **Requests for Variances;**
- **Appeals of the decisions of the Zoning Enforcement Officer;**
- **Request to modify, alter or extend non-conforming uses and structures;**
- **Requests for Special Permits and Findings as set forth in the Amesbury Zoning By-laws.**

The Board generally meets once per month usually on the last Thursday. Unless otherwise stated, the meetings begin promptly at 7:00 p.m. The meetings are open to the public and the minutes recorded.

In order for your application to be heard at the next scheduled Zoning Board of Appeals meeting, your application **must be completed, in full, printed or typed and accompanied by all required documents.**

The Amesbury Board of Appeals Rules & Regulations requires that:

- A petition for Variance, Special Permit/Finding shall be made on such form or application issued from the Building Inspection Department.
- All petitions (forms/applications) for Variance, Special Permit/Finding or Notice of Appeal shall be **filed in the office of the Town Clerk** in a timely fashion, according to the date of filing deadline which is **thirty (30) days prior to the next regularly scheduled meeting** for the Zoning Board of Appeals. If you do not know the date of the deadline, please call the Town Clerk at 388-8100.
- An Appeal from the decision of the Zoning Compliance Officer/Building Commissioner shall be on the application for a **Notice of Appeal**.
- All petitions must be signed by the applicant or duly authorized representative.
- All petitions shall be completely filled out. Failure to do so may result in an incomplete petition. The Zoning Board of Appeals does not act upon any incomplete petition.
- In the event the applicant has appeared before any other town board, then the applicant shall include copies with this petition any decision, order, notice or similar determination as issued from the other town board, commission or authority.
- In some cases, a **Letter of Refusal** is needed, issued by the Building Commissioner / Zoning Compliance Officer. It is the responsibility of the applicant to request this letter if needed.
- If records show that taxes, water/wastewater and/or financial obligations are due on the subject property to the town, no permits will be issued until verification of fees are paid.

EXPIRATION OF SPECIAL PERMIT:

A Special Permit shall expire in two (2) years if work has not commenced on such permit. If a Special Permit lapses, the proposed use or construction shall require a new appeal.

APPLICATION FILING CHECKLIST

Please be advised if the application for Special Permit is submitted without complete information or is not completely filled out, the Zoning Board of Appeals has the right to dismiss without prejudice.

- **10 copies of COMPLETED application** (1 original and 10 copies)
- \$200 application fee
- Abutter notification postage fees
- Name and Massachusetts billing address, telephone number for **billing of legal ad***:

*Legal Advertisement will be submitted by the Permit Granting Authority.

Applicant will be billed directly from publisher.

- **Denial Letter** from Building Commissioner / Zoning Compliance Officer
- Town of Amesbury **Assessor Field Card**
- **Certified List of Abutters** (obtained from the Town of Amesbury Assessor)
- **Copy of Deed**, or letter of authorization from property owner
- **Certified Plot Plan** showing the following:
 - **Location** of all existing buildings, structures, driveways or similar man-made improvements to the property.
 - **Elevation plans** showing measurements of the median height of the existing and proposed structures, not just simply drawn to scale
 - **Dimensions** of all buildings, structures, driveways or similar man-made improvements to the property.
 - Dimensions of the property, i.e., area, boundaries, front/rear/side yard setbacks; location and dimensions of proposed buildings, additions or structures; location and dimensions of any private ways, easements or right-of-ways that abut or cross the subject property; a scale of measurements in the lower right-hand corner of the plan; an address of the subject property and the names and addresses of the applicant and owner in the lower right-hand corner of the plan; the name of the person or entity preparing the plan and the other pertinent information, locations or dimensions.

Address of Subject Property: _____

In the event that the applicant has appeared before any other Town board, commission or authority, either directly or indirectly, in connection with a petition for Variance, application for Special Permit/Finding or Notice of Appeal pending before the Board, the applicant shall disclose such appearance. The applicant shall include with the petition for Special Permit/Finding any decision, order or similar determination as issued from the other town Board, Commission or Authority.

DATE SUBMITTED: _____

1. Name of Applicant (please print clearly): _____

APPLICANT SIGNATURE: _____

2. Applicant Address: _____

3. Applicant Tel.: _____ Applicant Cell: _____

4. Name of Property Owner: _____

5. Address of Property Owner: _____

6. Precinct (*voting district*): _____

8. Property Characteristics:

a. sq. ft. of area: _____ existing _____ proposed

b. frontage: _____ existing _____ proposed

c. zoning district: _____

d. dimensional requirements (lot line setbacks):

• front _____ existing _____ proposed

• rear _____ existing _____ proposed

• left side _____ existing _____ proposed

• right side _____ existing _____ proposed

• height _____ existing _____ proposed

• stories _____ existing _____ proposed

• building area _____ existing _____ proposed

• open space _____ existing _____ proposed

e. Present Use of Property: _____

9. Has a **Variance, Special Permit** and/or **Finding** ever been requested for the property?

_____ yes _____ no If **YES**, list date approved or denied: _____

Name of Previous Owner/Applicant: _____

Attach a copy of decision and any pertaining information.

10. Has the applicant or representative for the applicant appeared before any town board, agency, commission or other authority either directly or indirectly on connection with the proposed Special Permit/Finding? If **YES**, please answer the following:

Date of Appearance: _____ Name of Owner/Applicant: _____

Name of board/commission/authority: _____ ***Attach copy of decision.***

11. List provision(s) of the zoning by-laws that relate to the requested Special Permit. Cite each article and section.

12. For what purpose is the special permit requested?

13. If the special permit relates to a proposed home occupation, provide the following information (please refer to Sec. II, Definitions and Sec. XI-F, Home Occupations):

a. Is the proposed home use customary within the Town of Amesbury? Fully describe:

b. Is the proposed use of property something other than any of the following prohibited uses:

beauty parlor / barber shop / clinic / bakery / gift shop / tea room / tourist home / animal hospital / kennel

c. Where in the home will the proposed home use be carried out?

d. Will the proposed home use be carried out within the confines of the principal building?

e. Will the proposed home use be carried out within a multi-family dwelling?

f. Provide all sources of parking that may be utilized in connection with the proposed home use:

g. State the hours of operation and the proposed home use:

h. State the anticipated average number of customers, clients, patients, people or entities that shall utilize the services offered by the proposed home use during hours of operation:

i. Describe, explain and itemize any materials, chemicals or inventory to be utilized by the proposed home use:

j. State whether the proposed home use requires any license, action, decision, application, consideration or other formal or informal review from any federal, state or municipal board, agency, commission, authority or similar organization:

k. Will there be more than one non-resident employee in connection with the proposed home use?

14. In the event the special permit relates to a proposed alteration, modification, extension or change to pre-existing non-conforming use or structure, provide the following information:

The current pre-existing non-conforming use or structure:

Proof that the current pre-existing non-conforming use or structure is a legal non-conforming use or structure:

Describe the proposed alteration, modification, extension or change to a pre-existing non-conforming use or structure:

State whether the current pre-existing non-conforming use or structure is located in a residential zoning district:

Describe whether the proposed change will be different from the current use/structure:

If applicable, indicate whether the current pre-existing non-conforming use or structure had been abandoned or not used for two(2) or more years:

Describe in detail any anticipated impact or effect upon the surrounding neighborhood that would result if the proposed special permit were to be allowed:

Indicate whether the proposed alteration, modification, extension or change relates to adult bookstores, adult motion picture theaters, adult paraphernalia shops or adult video stores subject to M.G.L. Ch. 40A, 9A:

15. Describe why the applicant believes that there would be no loss/damage to the public good if the special permit were to be granted:

16. Describe why the applicant believes that if a special permit were to be granted, that neither the intent nor the purpose of the by-laws would be adversely impacted:
