



**Town of Burlington
Board of Appeals
Application for Hearing**

(Instructions are contained on the reverse side)

This application must be completed, signed and submitted with the necessary documents and filing fee by the applicant or his/her representative in accordance with the Board's Rules and Procedures as set forth on the reverse side of this application.

Location of Property _____	
Applicant	Property Owner
Name _____	Name _____
Address _____	Address _____
_____	_____
Telephone Number _____	Telephone Number _____

Characteristics of the Property

Lot Area _____ Map # _____ Parcel # _____ Zoning District _____ Present Use _____

Application is for: _____ An appeal from the Building Inspector _____ A Variance _____ A Sign Permit

Applicable Section of the Zoning By-Law: Article # _____ Section # _____

Nature and justification of request (*Use additional pages if necessary*)

I hereby request a hearing before the Board of Appeals with reference to the above application.
 Signature of Applicant (or his/her representative) _____
 Address if not Applicant _____
 Telephone Number _____
 Owner's permission if other than Applicant _____

Application and fee in the amount of \$ _____ received and filed with the Town Clerk for the Town of Burlington on _____

Summary of Board of Appeals Action (Date)

Received by _____
 Hearing Date _____
 Decision required by _____
 (100 days after filing for appeal or variance)
 Parties in Interest Notified or Public Hearing _____

 Notice of Decision sent to Parties in Interest _____

Decision of the Board:
 Granted _____ (Date)
 Denied _____ (Date)
 Withdrawn _____ (Date)
 Decision filed with Town Clerk _____ (Date)

1.0 Application

- 1.01 Applicant is advised to review the Burlington Zoning By-Law and the Rules of the Board of appeals prior to filling out an application and prior to appearing before the Board at a public hearing. The application form shall be filled out in accordance with the Rules of the Board so that there will be no ambiguity or uncertainty as to the applicant's intent in seeking approval of his/her application.
- 1.02 In the case of a variance the following points, based on Massachusetts General Laws, Chapter 40A, Section 10, shall be identified and factually supported on the application form and verbally at the hearing. A) The particular land or structure, or the use proposed for the land or structure, if any; B) the circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting the land or structure for which the variance is sought which do not affect generally the zoning district in which it is located; C) the facts which make up the substantial hardship, financial or otherwise, which results from the literal enforcement of the applicable zoning restrictions with respect to the land or structure for which a variance is sought; D) the facts to support a finding that the relief sought will be without substantial detriment to the public good, and E) the facts to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent and purpose of the Zoning By-Law.

In order for a variance to be granted all of the above conditions must be met.

2.00 Submission of Application (Procedures for Applications).

- 2.01 **An appeal, a petition for a variance or an application for a sign permit, shall be decided following a public hearing. Application for the above shall be made with the permit granting authority (Zoning Board of Appeals) a copy of which shall be given to the Town Clerk by the applicant (Reference G.L. 40A, Sec. 9).**
- 2.02 **A receipt of filing fee and the following documents must accompany all applications for resident applications. A) One original and twelve Xerox copies of a certified plot plan must be submitted. The plot plan must not be more than six (6) months old, certified by a registered engineer or land surveyor. Plot plan must meet the following requirements and show the following items:**
- Maximum size 24 inches by 36 inches; minimum size 8 ½ inches by 11 inches**
 - Scale not less than 1 inch=40 feet**
 - North point shown**
 - All existing or proposed structures and distance to lot lines.**
 - All easement locations and width, if any; Names and locations of direct abutters, Location of Flood Hazard District, if any; B) Sign permit applications shall include a sketch of the proposed sign; showing the sign size, type, illumination, position on building, distance from nearest residentially zoned land and distance from nearest public way. C) A copy of building Inspector's decision if appealing. D) A complete list certified by the Board of Assessor's of the abutters within 300 feet of the property line of the premises, which are the subject of the petition or application. E) Four (4) typed mailing labels (measuring 1" by 2 1/2" Avery Standard 8920) must be submitted for each certified abutter. F) Filing fee of \$100.00 for Residential, \$250.00 for Commercial**

All conditions must be met before an application can be accepted.

3.00 Notice of Hearing

- 3.01 Notice of the hearings shall be advertised as required by the provisions of General laws, Chapter 40A, Section 11. In addition, prepaid, to all parties in interest, and provided to the Planning Board of abutting towns, and where applicable, to other town Boards and departments.
- 3.02 All hearings shall be open to the public and shall be conducted in accordance with the Massachusetts Open Meeting Law, General Laws, Chapter 39, Section 23B.
- 3.03 Regular meetings of the Board shall be held as necessary at 7:30p.m., on the first and third Tuesday of each month, or as determined at other times by the Board. The meetings will be held in the Main hearing room at the Town Hall unless posted otherwise.

4.00 Comprehensive Permits

- 4.0 In addition to all requirements to be met when submitting an application, applicant must also submit at least twenty-one (21) copies of application, plans and all other paperwork.