



## TOWN OF BURLINGTON

### Board of Appeals/Town Clerk's Office

Amy E. Warfield, Town Clerk, CMC  
Linda A. McNeil, Assistant Town Clerk  
Janice Archer, Senior Clerk  
Julie M. Michutka, Department Assistant

John Alberghini, Chairman  
Jo-Ellen Carkin, Administrative Clerk  
(781) 505-1150

#### Quick Reference Checklist

Applicant is advised to review the Burlington Zoning Bylaw 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. These can be found at [www.burlington.org](http://www.burlington.org). Please note, there are time-schedules with this process, you must plan on getting this paperwork started at least 30 days prior to your hearing.

When you need to submit your application:

- A copy of Building Inspector's decision - whether your application is for an appeal or for a variance.
- Completed Variance Application – see attached or found at [www.burlington.org/B\\_Aapp.pdf](http://www.burlington.org/B_Aapp.pdf).
- One original and 12 copies of a certified plot plan must be submitted. The plot plan must not be more than 6 months old. No larger than 24" x 36", minimum of 8 ½" x 11". For Comprehensive Permits you must submit 20 copies.
- A completed list of abutters certified by the Board of Assessors. The applicant is responsible for sending a certified letter that will be prepared by the ZBA administrative clerk to each abutter within 300 feet of the property line of the premises which is the subject of the petition or application. After mailing the certified letters the applicant must return the white portion of the mailing label and any green labels returned by the abutters to the Town Clerk's office before the hearing. The white labels are proof of abutter notification so no hearing can take place without these labels.
- A filing fee of \$100.00 for applications for residential property, \$250.00 for Commercial property, and \$5,000.00 for Comprehensive Permits.
- If Filing for a Sign Permit-** Include a sketch of the proposed sign, showing the size, type, illumination (including outputs in units of Lumens or NITs), position on building, distance from nearest residentially zoned land and distance and location from the nearest public way. All existing and proposed signage on the building must be shown, including any and all signs permitted even if by right.
- Signed release to allow Daily Times to bill applicant.

If you have any further questions call or email:

Jo-Ellen Carkin  
Board of Appeals,  
Phone: 781- 505-1150  
Email: BOA@Burlington.org





TOWN OF BURLINGTON  
*Board of Appeals*

John Alberghini, Chairman  
Jo-Ellen Carkin, Administrative Clerk, (781) 505-1150

Date: \_\_\_\_\_

To : Daily Times Chronicle  
1 Arrow Dr.  
Woburn Ma. 01801-2090

I hereby authorize Daily Times Chronicle to bill me directly for the legal notice published twice in the Burlington for a public hearing with the Burlington Zoning Board of Appeals regarding property at:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please print where to send the bill to:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Day-time Telephone Number: \_\_\_\_\_



**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.

<b>Location of Property</b>	
<b>Applicant</b>	<b>Property Owner</b>
Name _____	Name _____
Address _____	Address _____
_____	_____
Telephone Number _____	Telephone Number _____
Email _____	Email _____

**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 – Please give a detailed description *(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 _____ _____	<b>Decision of the Board:</b> Granted _____ (Date) Denied _____ (Date) Withdrawn _____ (Date) Decision filed with Town Clerk _____ (Date)
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(Date) 06/2013

**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 should 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) mailing labels for each abutter to be notified. For an additional fee you can get the labels done by the Assessor's Office and 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.