

# Zoning Board of Appeals Rules and Procedures

## 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.