

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

NOTICE TO APPLICANTS

Dear Petitioner:

The Board of Appeals meets monthly on the third Wednesday of the month. Applications for a Variance, Special Permit, Appeals of the decision of the Building Commissioner, or other relief may be submitted up to three weeks prior to the monthly meeting. Petitions will be accepted each month on a first-come, first served basis and once the monthly meeting agenda is full, petitions will be carried over to the following month's meeting. Applications must contain ***EACH*** of the following elements at the time of submittal:

() 1. PETITION FORM.

Every application for action by the Board shall be made on the Board's Petition Form. The Petition Form must be filled out completely and all information requested on the form must be supplied by the applicant. If you need assistance contact the one of the City staff listed below. For Variances, a Statement of Hardship must be attached; for Special Permits a Statement of Grounds must be attached. Nine (9) collated copies of the Petition Form and all application materials must be submitted, *plus* the original application form.

Before submitting your final application, please have all the original application form, plus all nine copies of the application form stamped by the City Clerk (located on the first floor of City Hall, 93 Washington Street). The Clerk's Office will take the original application; please bring the remaining 9 stamped copies, along with the 9 sets of supplementary application materials, as specified below, to the Department of Planning and Community Development (City Hall Annex, 120 Washington Street).

() 2. PLANS

All applications relative to construction or exterior alteration must include nine (9) copies of the exterior design plans, drawn to scale, with the scale indicated. Exterior elevations must indicate dimensions and include all sides affected by the proposal. Exposed foundations should also be depicted on elevations.

A Certified Plot Plan is required for all new construction and any construction to existing structures where the proposed work would affect the structure's footprint. Mortgage Plans may be submitted in the place of Certified Plot Plans for existing one and two family structures when the exterior alterations are not two feet or less from the property line.

A Certified Plot Plan must be stamped and dated by a registered engineer or land surveyor. The following items must be on the Certified Plot Plan:

- a) If petitioner seeks dimensional variances, plans must include a chart showing how the proposal falls short of the Ordinance's requirements.
- b) Plans must show all existing features of the property relevant to the proposed project, including without limitation, any easements, water, sewer and gas lines, underground electrical lines, paper streets, conservation areas, wetlands or waterways, hazardous waste disposal sites or historical sites.

Submit application materials to: Erin Schaeffer, Staff Planner (978-619-5685). Questions about the preparation of your application should be directed to Erin Schaeffer or Thomas St. Pierre, Building Commissioner (978-619-5641), 3rd Floor, 120 Washington Street, City Hall Annex, Salem, MA 01970.

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- c) If off-street parking is required by the Ordinance, plans must show the layout and number of parking spaces set aside for the proposed use. Proposed parking layouts must include access ways and buffer zones.

() **3. APPLICATION FEES** -- See the attached Fee Schedule.

PROCEDURE FOR HEARINGS AND RECORDING DECISIONS AT THE REGISTRY OF DEEDS

Upon submission of your application, materials and fees, you will be told the date of your hearing. You (the property owner) or your representative must attend the hearing. If you are being represented by anyone other than an attorney, you must submit a signed statement authorizing the representative to act on your behalf.

Please note that a copy of any additional material you present at the hearing must be submitted to the Board for the official record.

Two weeks after the Board of Appeals issues a decision, the Department of Planning and Community Development will file your decision letter with the City Clerk and send you a copy. The decision can be appealed within 20 days of its filing with the Clerk's Office. Once the appeal period is over, if the decision is not appealed, the Building Department will have the letter certified at the Clerk's Office, confirming that 20 days have passed without an appeal, and then send it to the South Essex Registry of Deeds (Registry). The fees you paid at the time you submitted your application cover the cost of certifying the decision and recording it at the Registry. The Registry will notify you by mail when your decision has been recorded. You do not need to certify the letter or record it at the Registry yourself.

Submit application materials to: Erin Schaeffer, Staff Planner (978-619-5685). Questions about the preparation of your application should be directed to Erin Schaeffer or Thomas St. Pierre, Building Commissioner (978-619-5641), 3rd Floor, 120 Washington Street, City Hall Annex, Salem, MA 01970.

FEE SCHEDULE

1. **The filing fee is \$75.00 for an application for a Special Permit, Variance, or for an appeal of the decision of the Building Commissioner. The check should be made payable to City of Salem Board of Appeals.** Fees may be waived if the City of Salem is the petitioner.
 - a. *If the application for a special permit or variance involves new construction of dwelling units*, a fee of \$50 will added to the filing fee for each dwelling unit on the property up to a maximum of \$500. This additional fee will be refunded if the request is denied.
 - b. *If the application for a special permit or variance will increase the number of dwelling units*, a fee of \$50 for each additional dwelling unit is added to the filing fee, up to a maximum of \$500. This additional fee will be refunded if the request is denied.
2. All requests for special permits or variances require submittal of a \$75.00 fee, payable to the South Essex Registry of Deeds, for recording the decision.
3. All requests for special permit or variances require submittal of a \$2.00 fee, payable to the City of Salem, to obtain a certified copy of the decision from the City Clerk.
4. The Salem News requires a \$520 deposit payment to run your legal advertisement (the ad must run twice at approximately \$260 per day). The actual cost of your ad will depend on its length and will be determined by the News after its printing. You must sign a *Request for Legal Notice form* consenting to pay the difference if the ad costs more, or to accept a refund from the News if it costs less. *A \$520 check made payable to the Salem News, plus the signed Request for Legal Notice form (see attached form), are both due at the time the application is made.*



REQUEST FOR LEGAL NOTICE

I understand that by signing this form, I am agreeing to the cost of the legal notice to be published in the newspaper.

Payment is required at the time of the legal notice being received by the city and before it is published in the newspaper.

Please make checks payable to **THE SALEM NEWS**:

The Salem News

Attn: Legal Notice

32 Dunham Road

Beverly, MA 01915

Prepaid cost required to run: \$520 (Includes two (2) publications)

***Important: Average legal notice costs are estimated; customer will either be refunded or billed after the legal notice is published.

Check # _____ (attach check)

If payment is not received, the legal notice will be cancelled.

(Signature)

MEETING SCHEDULE



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS
BOARD OF APPEALS

120 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970

2017 Zoning Board of Appeal Meeting Schedule

Unless otherwise noted, all meetings of the Salem Zoning Board of Appeals are held at 6:30pm in Room 313, Third Floor, 120 Washington Street.

Submittals should be in by 12:00pm noon on the submittal deadline date shown.

Note: Applications will be accepted each month on a first- come, first served basis. Once the monthly meeting agenda is full, petitions will be carried over to the following month's meeting.

Submittal Deadline <i>21 Days prior*</i>	Meeting Date
December 20, 2016*	January 18, 2017
January 24, 2017	February 15, 2017
February 21, 2017	March 15, 2017
March 29, 2017	April 19, 2017
April 25, 2017	May 17, 2017
May 30, 2017	June 21, 2017
June 27, 2017	July 19, 2017
July 25, 2017	August 16, 2017
August 29, 2017	September 20, 2017
September 26, 2017	October 18, 2017
October 24, 2017	November 15, 2017
November 28, 2017	December 20, 2017

* Except to account for holidays

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PETITION FORM



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS
BOARD OF APPEALS

120 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970

Thomas St. Pierre, Director of Inspectional Services
Phone: 978-619-5641 / Fax: 978-740-9846
Erin Schaeffer, Staff Planner
Phone: 978-619-5685 / Fax: 978-740-0404

TO THE BOARD OF APPEALS:

The Undersigned represent that he/she is/are the owners of a certain parcel of land located at:

Address: _____ Zoning District: _____

An application is being submitted to the Board of Appeal for the following reason(s): This statement must describe what you propose to build, the dimensions, the zone property is in, and the zoning requirements. *(Example: I am proposing to construct a 10' x 10' one story addition to my home located at 3 Salem Lane, in the R-2 Zoning District. The Zoning Ordinance requires the minimum depth of the rear yard to be 30 feet. The current depth of my rear yard is 32 feet; the proposed addition would reduce the depth of the rear yard to 22 feet.)*

For this reason I am requesting:

Variance(s) from provisions of Section _____ of the Zoning Ordinance, specifically from _____
_____ (i.e. minimum depth of rear yard).

What is allowed is _____ (ft? sq ft? stories? %?), and what I
am proposing is _____ (ft? sq ft? stories? %?).

A Special Permit under Section _____ of the Zoning Ordinance in order to _____

Appeal of the Decision of the Building Inspector (described below):

Comprehensive Permit for construction of low or moderate income housing (describe below):

Current Property Use: _____ Are Lot Dimensions Included? Yes No Why? _____
(Example: Two Family Home)

The Undersigned hereby petitions the Board of Appeals to vary the terms of the Salem Zoning Ordinance and allow the project to be constructed as per the plans submitted, as the enforcement of said Zoning By-Laws would involve practical difficulty or unnecessary hardship to the Undersigned and relief may be granted without substantially derogating from the intent and purpose of the Zoning Ordinance.

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PETITION FORM

The following written statement has been submitted with this application:

- () For all Variance requests a written Statement of Hardship demonstrating the following must be attached:
a) Special conditions and circumstances that especially affect the land, building, or structure involved, generally not affecting other lands, buildings, and structures in the same district;
b) Literal enforcement of the provisions of the Ordinance would involved substantial hardship to the applicant; and
c) Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.
() For all Special Permit requests a Statement of Grounds must be attached. An application for a special permit for a nonconforming use or structure shall include a statement demonstrating how the proposed change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood in accordance with Section 9.4 Special Permits. Such a statement should include reference to the following criteria:
a) Social, economic, or community needs served by the proposal;
b) Traffic flow and safety, including parking and loading;
c) Adequacy of utilities and other public services;
d) Impacts on the natural environment, including drainage;
e) Neighborhood character; and
f) Potential fiscal impact, including impact on City tax base and employment.
() For all Comprehensive Permits for construction of low or moderate income applicants should refer to M.G.L. Ch. 40B § 20-23.

Previous applications to the Board of Appeals involving this property have been submitted with this petition form. The Building Commissioner can provide documentation of previous applications to the petitioner or his representative.

If different from petitioner:

Petitioner: _____ Property Owner: _____
Address: _____ Address: _____
Telephone: _____ Telephone: _____
Email: _____ Email: _____
Signature: _____ Signature: _____
Date: _____ Date: _____

(Attached consent letter is also acceptable)

If different from petitioner:

Representative: _____
Address: _____
Telephone: _____
Signature: _____
Date: _____

A TRUE ATTEST

CITY CLERK DATE

DPCD DATE

This original application must be filed with the City Clerk.