



KEEP FOR YOUR RECORDS / DO NOT RETURN TO ZBA

TOWN OF ANDOVER – Zoning Board of Appeals  
36 Bartlet St.  
Andover, MA 01810  
978-623-8627  
[www.andoverma.us](http://www.andoverma.us)

## INSTRUCTIONS FOR PETITIONERS

### FILING TO APPEAR BEFORE

### THE ZONING BOARD OF APPEALS

1. Please review *all* rules and regulations of the Authority prior to appearing before the Board.
2. To be granted a ***variance***, a Petitioner must establish that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and *especially affecting such land or structures but not generally the zoning district in which it is located*, a literal enforcement of the provisions of the ordinance or by-law would involve substantial ***hardship***, financial or otherwise, to the Petitioner or Appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.
3. In order to expedite consideration of your appeal, include *all* factors that may be relevant to the question of hardship set forth in paragraph 2 above & in question 8 on your application. Be prepared to explain the factors of the hardship at the public hearing.
4. If your petition is for a ***special permit*** rather than a variance, be prepared to present data to show that the *public convenience and welfare will be substantially served* by granting the permission requested; that the permission requested *will not tend to impair the status of the neighborhood*; that the permission requested *will be in harmony with the general purposes and intent of the regulations of the Zoning By-Laws*.
5. Any person filing as a *Party Aggrieved* by the decision of the Inspector of Buildings or other authority must *present the factors* that may be *relevant to their appeal of said decision*, as well as a copy of the Inspector's decision that is being appealed.
6. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal such decision by bringing an action in Superior Court within twenty (20) days after the decision has been filed with the Office of the Town Clerk. Notice of such appeal must also be filed with the Town Clerk within the twenty (20) day period.

<u>All fees are paid at time of filing.</u>	<b>Filing Fee* +</b>	<b>Legal Advertisements* +</b>	<b>Registry of Deeds Recording Fee</b>
1 & 2 Family Residential	\$100	\$150	\$75 payable to <u>'Commonwealth of Massachusetts'</u> CHECK OR MONEY ORDER <b>ONLY</b> Paid <u>separately</u> upon submission of the application  <b><u>ALL FEES</u> are collected upon application to the ZBA.</b>
Multi-unit Residential	\$250 + \$25/unit		
All others	\$250		
Comprehensive Permits	\$500 + \$0 (public/local initiatives) \$25/unit (non-profit org) \$50/unit (ltd dividend org)		
Signs	\$100		
Party Aggrieved			

\* Fees are **subject to change** to cover the actual cost **at the time of advertising & recording.**

\*Payable by cash, credit card or check to 'Town of Andover' except as noted for Registry of Deeds fee.

<u>ZBA FILING DEADLINE DATE*</u>	<u>ZBA MEETING DATE*</u>
December 10, 2018	January 3, 2019
January 14, 2019	February 7, 2019
February 11, 2019	March 7, 2019
March 11, 2019	April 4, 2019
April 8, 2019	May 2, 2019
May 13, 2019	June 6, 2019
June 17, 2019	July 11, 2019
July 8, 2019	August 1, 2019
August 12, 2019	September 5, 2019
September 9, 2019	October 3, 2019
October 15, 2019	November 7, 2019
November 12, 2019	December 5, 2019
December 10, 2019	January 3, 2020



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GENERAL FILING REQUIREMENTS  
ANDOVER ZONING BOARD OF APPEALS

READ ALL INSTRUCTIONS BEFORE SIGNING & FILING

**See Article VIII, Andover Zoning Bylaw for more specific filing requirements for:** § 6.1 Wireless Communication Facilities, § 7.8.6 Dimensional Special Permit for Affordable Housing or § 7.9.7 Dimensional Special Permit for Historic Preservation.

**Comprehensive Permits filing requirements:** see [www.andoverma.gov/boards/zoning/comppermitrules.pdf](http://www.andoverma.gov/boards/zoning/comppermitrules.pdf) and M.G.L. Ch. 40B

**ALL APPLICANTS MUST SUBMIT:**

1. **The *original* application + 9 copies** (10 total), PLUS the ***original* + 1 copy** of *this* page (2 total), signed & dated. *Petitioners should retain their own copies of all pages/plans.*
2. *If the parcel in question abuts another town, obtain a Certified Abutters List for all abutting properties outside of Andover from the respective town(s). Petitioner must submit the Certified Abutters List(s) to the Andover ZBA, at the time of application, in order to ensure proper notification per Mass. General Law Chapter 40A, Section 11.*
3. **10 certified plot plans** prepared on a scale of not less than 1" = 100' & shall have indicated thereon the location of *all* existing structures, *all* abutting streets, roads or ways, wetlands (as defined in MGL Chapter 131, Section 40) & the ownership of the parcel in question. *Plan sheets shall be no larger than 18"x24" if possible. **IF a certified plot plan is not submitted, the hearing may be continued until a certified plot plan has been received or denied.***
  - A) The certified plot plan must be stamped by a registered civil engineer or registered land surveyor "and shall accurately show applicant's existing property line locations, existing building location(s) on the property and, if any, the proposed alteration(s) to those existing conditions", as well as the existing and proposed front, side and rear setbacks, and any circumstance which may have bearing on the application (i.e. soil conditions, shape, topography, or location of septic system, wetlands or easements).
4. **10 sets of drawings\*** for:
  - A) changes / additions to an *existing building*: the drawing shall include front, side & rear views to show proposed exterior changes to the structure AND the plan of any floor where additions or alterations are proposed, showing all entrances or exits, windows, interior partitions & doorways, stairways, chimneys & any other pertinent features.
  - B) a *new structure*: the plans shall include front, side & rear view drawings, including all portions of the structure below grade; AND floor plans of all proposed floors showing all entrances & exits, windows, interior partitions & doorways, stairways, chimneys & any other pertinent features.

*\*(Stamped drawings are required for Controlled Construction only, per Mass. Bldg. Code 780 CMR)\**
5. A **non-refundable** fee payable to the *Town of Andover* shall be submitted at the time of application for the processing, advertising, & abutter notification, **PLUS a separate check payable to the Commonwealth of Massachusetts for recording of the decision at the Registry of Deeds** in Lawrence. Applications must be submitted no later than 1:00 p.m. on the filing deadline. **[See Filing Deadline Schedule]**

**IMPORTANT INFORMATION FOR ALL APPLICANTS:**

- 6. ***INCOMPLETE APPLICATIONS*** NOT ACCOMPANIED BY PLANS AS ***REQUIRED*** IN PARAGRAPHS 3, 4 & 5 ABOVE ***MAY BE DENIED BY THE BOARD.***
- 7. Notices of hearings are advertised in the local newspaper on the 14<sup>th</sup> and 7<sup>th</sup> days preceding the hearing. No advertisements will be scheduled for publication unless the Office of the Board of Appeals has received the above-enumerated pertinent data.
- 8. Hearings of the Board of Appeals are held on the first Thursday of every month in Conference Room A, 3<sup>rd</sup> Floor, Town Offices, 36 Bartlet Street, Andover at 6:30 P.M., unless otherwise notified.
- 9. M.G.L. CH. 40A requires a Super Majority (4-1) vote to pass, not a Simple Majority (3-2) vote, except for Comprehensive Permits where a minimum of a Simple Majority vote is required.
- 10. Decisions made by the Board of Appeals are filed with the Town Clerk *after* written, reviewed & voted on by the Board. Once filed with the Town Clerk, a copy of the decision is mailed to the Petitioner. Abutters are also notified of the Board's decision by mail at this time. **NOTE: The 20-day appeal period begins when the signed decision is filed with the Town Clerk per MGL Chapter 40A, Section 11, NOT from the date of the public hearing or the deliberation meeting.**
- 11. The Town of Andover records the decision in the Essex North Registry of Deeds once the appeal period or any appeal expires. No variance or special permit shall take effect until the Decision is recorded in said Registry.
- 12. A Variance must be exercised *within one year* of the date the decision was filed with the Town Clerk of grant of such Variance. A Special Permit must be exercised *within two years* of the date of grant of such Special Permit. If the rights are not so exercised within the specified period, the Variance &/or Special Permit shall lapse, unless an extension is granted, and may be re-established only after notice and a new hearing pursuant to these General Requirements. A one-time extension of not more than six months may be requested from the Board *prior* to the expiration of either a Variance or Special Permit.
- 13. Any project that requires Site Plan Review pursuant to Section 9.5 of the Andover Zoning By-Law shall be submitted with the necessary application and materials to the Planning Board Office.
- 14. The Petitioner or their representative ***must*** appear and present the petition at the public hearing.
- 15. A signed ***Owner Authorization Letter is required*** from the property owner for any petition filed by anyone other than the owner if the owner does not sign the application and this form.

I have read, understand and agree to comply with all of the above requirements.

SIGNED: \_\_\_\_\_  
Property Owner or see #15

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Applicant, if not Property Owner

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Representative, if applicable

DATED: \_\_\_\_\_

**Applications must be submitted in person. ONLY EXACT COPIES of this form are accepted. NO ALTERATIONS ARE PERMITTED. ANY ALTERATIONS RENDER THIS FORM NULL AND VOID.**

# ANDOVER ZONING BOARD OF APPEALS APPLICATION / PETITION

FOR TOWN USE ONLY

INCOMPLETE APPLICATIONS MAY BE DENIED

ZBA # Z-1 \_\_\_\_\_ (TOWN USE ONLY)

Applications must be *typed or printed clearly*  
in **ink**.

## COMPLETE ALL APPLICABLE INFORMATION

1. a. Applicant(s): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Tel: \_\_\_\_\_ Email address: \_\_\_\_\_

b. Representative(s): \_\_\_\_\_

Affiliation to Applicant(s): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Tel: \_\_\_\_\_ Email address: \_\_\_\_\_

2. a. Owner Name(s), as it appears on Deed: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Tel: \_\_\_\_\_ Email address: \_\_\_\_\_

b. Applicant is (select **ALL** that apply): Owner  Purchaser  Lessee  Other

Explain: \_\_\_\_\_ . **IF not the owner, a signed original  
Owner Authorization Letter must be submitted with the application.**

3. Application from/under **Article VIII, Andover Zoning By-Law**:

(Check **ALL** that apply, attach additional sheets as necessary)

For variance(s) from Section(s): \_\_\_\_\_

For special permit(s) under Section(s): \_\_\_\_\_

As a Party Aggrieved, for review of a decision made by the Building Inspector or other authority. [**Attach** Decision(s)]

For a Modification of Decision(s) # \_\_\_\_\_ [**Attach** Decision(s)]

For an Extension of Decision(s) # \_\_\_\_\_ [**Attach** Decision(s)]

For a Comprehensive Permit under M.G.L. Ch. 40B for \_\_\_\_\_ (# of units)  
rental -or- ownership units (circle one).

4. Has there been **any** previous appeal to the Board involving these premises?  Y  N  
Decision#(s) \_\_\_\_\_ [**Attach** Decision(s)]

5. Primary Parcel(s) is/are  Vacant land /  building(s) (check as applicable):  
(IF land is also located in other towns, please attach additional sheet.)

a) Address(es): \_\_\_\_\_ .

b) Assessors Map No.(s) \_\_\_\_\_ Lot No.(s) \_\_\_\_\_

c) Lot Area \_\_\_\_\_, Frontage \_\_\_\_\_ feet / \_\_\_\_\_ feet

d) Zoning District(s) \_\_\_\_\_

e) Essex North Registry of Deeds Book(s) # \_\_\_\_\_ Page(s) # \_\_\_\_\_  
-or-Land Court Certificate Nos. \_\_\_\_\_ (if applicable)

f) Date of purchase: \_\_\_\_\_

6. a) Date of construction of existing structure(s): \_\_\_\_\_.

b) Is this structure listed as an historic building? \*\*  Y /  N

**\*\*You MUST** verify if the property is historic through the Building or Zoning Offices. If YES, you **MUST** submit an application to the Andover Preservation Commission **or** Ballardvale Historic District Commission, as applicable, for separate review.

7. Description of proposed work, use, or decision being appealed (**Attach** decision):

8. For variance list hardship circumstance(s) related to soil conditions, shape, or topography that prevent zoning compliance **&/or** special permit data **&/or** Party Aggrieved argument: (See Instructions for Petitioners Filing to appear before the ZBA #3 &/or #4)

I agree to pay the non-refundable fees for legal advertising, registry recording & administrative expenses.

\_\_\_\_\_  
Date Signature of Applicant(s)\*

\_\_\_\_\_  
Date Signature of Property Owner(s) [if other than applicant]

\* If other than owner, An Owner Authorization Letter with the owner's **original** signature **must** accompany this application.

For further instructions, please refer to "General Filing Requirements Andover Board of Appeals", "Instructions for Petitioners filing to appear before The Zoning Board Appeals, Article VIII Andover Zoning Bylaw, Mass. General Law Chapter 40A, &/or Mass. General Law Chapter 40B."

**ONLY EXACT COPIES OF THIS FORM ARE ACCEPTED. NO ALTERATIONS ARE PERMITTED.  
ANY ALTERATIONS RENDER THIS FORM NULL AND VOID.**

Use additional sheets if necessary.