

# TEWKSBURY ZONING BOARD OF APPEALS

Town Hall  
1009 Main Street  
Tewksbury, MA 01876  
(978) 640-4370

## CHECKLIST FOR ALL APPLICATIONS

**All applicants applying to the Zoning Board of Appeals must include ALL of the following information:**

1. **Application:** Provide (8) copies of a completed Zoning Board of Appeals Application.
2. **Letter from the proper authority:** Provide (8) copies of a letter indicating refusal of an appropriate permit from the Building Department.
3. **Written Statement:** Provide (8) copies of a narrative detailing the proposed use, hardship levied as a result of the Zoning Bylaw, and how the relief, if granted, will not be a detriment to the public good or otherwise derogate from the intention of the Zoning Bylaw.
4. **Plans:** Provide (8) copies of a certified plot plan dated within 6 months of application, showing the premises affected.
5. **Locus/Subdivision Map:** Provide (8) copies of a plan showing the subdivision, including surrounding lots. A locus should also be identified, i.e. copies of Assessor's maps indicating map & lot # are acceptable.
6. **Fee:** There is a filing fee plus a postage fee for each application. This is payable by cash or check made out to the Town of Tewksbury. See attached fee schedule.
7. **Advertisement:** Transmit the legal notice for the Public Hearing to the Town Crier for publication for (2) successive weeks. The legal notice and dates for publication will be provided by the Community Development Office once the application is submitted.
8. **Deed:** Provide (8) copies of a Quitclaim Deed.
9. **Certified Abutters List:** Provide a certified abutters list to include 1) all abutters, 2) abutters to abutters, and 3) all abutters within 300 feet of the property line. The certification comes from the Assessor's Office located in the Town Hall Annex. The certified abutters list must be dated within 6 months of date of application.
10. **Notarized Document:** If the owner is not the applicant, the application must be accompanied by a "notarized document" signed by the owner or owners authorizing the application. Any person may appear in his or her behalf or be represented by an agent or attorney-in-fact who may (but need not) be an attorney-at-law. If the representative of the owner or the applicant is not a licensed attorney-at-law, then a letter from the owner and/or the applicant must be filed authorizing the representative to act in behalf of the owner and/or applicant.

## INSTRUCTIONS TO FILL OUT APPLICATION

- FIRST LINE - Name and mailing address of person filing application.
- SECTION 1 (a) If the application is for a variance, check this box and fill in the applicable section and paragraph number as it appears in the letter of denial of building permit from the Building Commissioner.
- SECTION 1 (b) If application is for a Special Permit, check this box and fill in appropriate sections.
- SECTION 1 (c) If you are a party aggrieved, check this box indicating by underling the appropriate words and filling in the blanks for all authorities who have reviewed and rendered decisions on the matter concerning this application.
- SECTION 2 - If the application concerns only land which has no existing structure located thereon, check this box and fill in names of all streets on which the property abuts. Also, give any information which will help in locating the property.
- SECTION 3 (a) Indicate which Zoning District, as found in Tewksbury Zoning By-Law, the premises are located in. Fill in the area and frontage of the land in question. If the application concerns an existing or proposed structure, fill in the appropriate side yard setback on each side of said structure. (Side yard setback is the distance between the structure and the lot line to the side.) Also fill in the front yard setback. (The distance between the structure and the public way or street to the front.)
- If no structure is involved, put a dash in the spaces for side yard and front yard setbacks.
- SECTION 3 (b) Indicate by crossing out the appropriate words whether surveying markers (stone bounds) are present on the property.
- SECTION 3 (c) Premises affected are designated by Assessor's Map number and Lot number.
- SECTION 4 Fill in the names and addresses of all owners of the property.
- SECTION 5 (a) If no structure is involved, go to Section 6. If a structure is involved, circle the appropriate word to indicate whether the building is existing or proposed and fill in the dimensions, the height in stories, and in feet. Also, fill in the total area of the structure.
- SECTION 5 (b) Fill in the appropriate date of erection, if existing.
- SECTION 5 (c) Indicate what use the structure is there for.
- SECTION 6 Describe the work which is to be performed and what use it will be put to. Use separate sheet if necessary.
- SECTION 7 Self-explanatory.
- SECTION 8 Self-explanatory.

SECTION 9

From the standpoint of the applicant, this is the most important section of this application. This section must describe certain reasons as provided in the State's Zoning Act, Chapter 40A, Section 15 of the General Laws, why the Zoning Board of Appeals should grant relief to the applicant. Primarily because of the lack of knowledge of the law, quite often an applicant for relief appears before the Zoning Board of Appeals ill prepared to surmount the legal obstacles relating to the applicant's problem.

The Zoning Act clearly sets forth three (3) requirements which must be met in granting a variance from relief. The applicant must show that:

1. Special conditions affecting a particular parcel of land or building but not affecting generally the District in which it is located created a hardship to the property.
2. The granting of a variance will not be detrimental to the public good.
3. The granting of a variance will not nullify or substantially derogate from the intent and purpose of the Zoning By-Laws.

SECTION 10 -

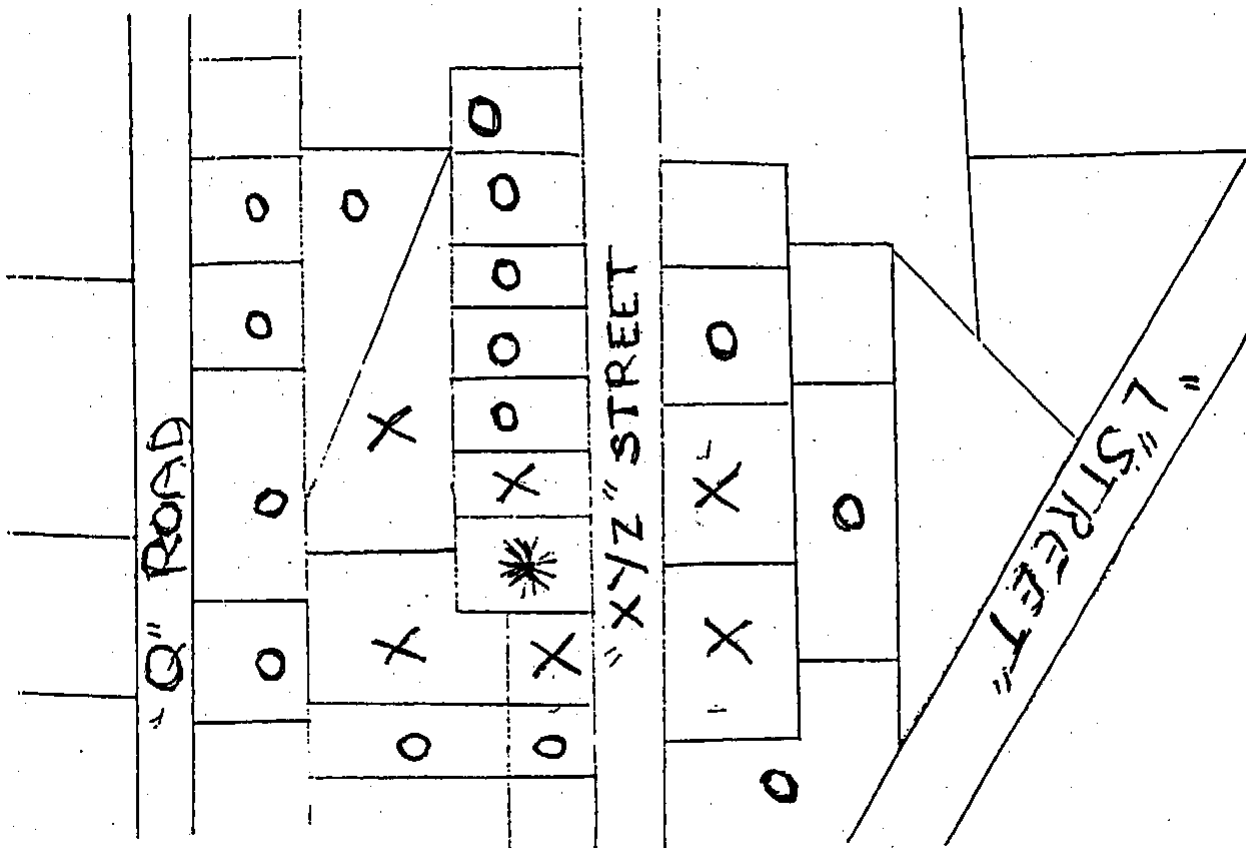
It is the responsibility of the applicant to provide names and addresses of all legal abutter to the premises affected (the term legal abutters refers to adjoining property owners including the properties across the street,) and to provide the names of other abutters that own properties that abut the previously described abutters.

In addition, the applicant must, at their expense, provide the envelopes as requested to the Zoning Board of Appeals at the time of submittal.

### EXAMPLE

1. **LEGAL ABUTTERS:** Any properties that touch the property in question, including the properties across the street. For these purposes, the center of a street constitutes a property line. In the example, they are those properties that are represented by an "X".
2. **OTHER ABUTTERS:** Any properties that adjoin legal abutters. In the example, they are those properties that are represented by an "O".

Property in question represented by an "\*\*\*"



**TEWKSBURY ZONING BOARD OF APPEALS  
APPLICATION FEE SCHEDULE**

|                                    |  |
|------------------------------------|--|
| <b>Variance and Special Permit</b> | $\$160.00 + \# \text{ of abutters} \times \$0.50 \times 2 \text{ for postage}$   |
| <b>Party Aggrieved</b>             | $\$110.00 + \# \text{ of abutters} \times \$0.50 \times 2 \text{ for postage}$   |
| <b>Comprehensive Permit</b>        |  |
| Local Initiative Project (LIP)     | $\$310.00 + \# \text{ of abutters} \times \$0.50 \times 2 \text{ postage}$   |
| All others                         | $\$510.00$ plus: \$100 per market rate unit<br>for projects numbering between 8-20<br>\$110 per market rate unit<br>for projects numbering<br>between 21-300<br># of abutters $\times$ \$0.50 $\times$ 2 for postage |

| **Example for postage calculation:** 10 abutters  $\times$  \$0.50  $\times$  2 = \$10.00

**TOWN OF TEWKSBURY**  
**MASSACHUSETTS**

Case No. \_\_\_\_\_  
Date App. Filed \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_  
Do not write in this space

**APPLICATION TO THE ZONING BOARD OF APPEALS**

**Mailing**  
**Applicant:** \_\_\_\_\_ **Address** \_\_\_\_\_

1. Application is hereby made: (check one or more and fill in appropriate blanks)

- (a) For a variance from the requirements of Section \_\_\_\_\_ Para. \_\_\_\_\_ of the Zoning By-Law.
- (b) For a special permit under Section \_\_\_\_\_ Para. \_\_\_\_\_ of the Zoning By-Law.
- (c) As a party aggrieved, for review of a decision made by the Building Inspector and/or other authorities.

What authorities? \_\_\_\_\_

2.  (a) Premises affected are land and buildings numbered \_\_\_\_\_ Street

(b) Premises affected are vacant land with frontage on \_\_\_\_\_ Street(s). How to locate: \_\_\_\_\_

3. (a) Premises affected in Zoning District \_\_\_\_\_ The premises has an area \_\_\_\_\_ sq. ft.  
Frontage of \_\_\_\_\_ ft. Side yard setback of \_\_\_\_\_ ft. and \_\_\_\_\_ ft.  
Front yard setback of \_\_\_\_\_ ft.

(b) Stone bounds (are) (are not) existing on premises.

(c) Assessors Map \_\_\_\_\_ Lot \_\_\_\_\_

4. Ownership:  
Name and address of owner (if joint ownership, give all names):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. (a) Size of (proposed) (existing) structure: \_\_\_\_\_ ft. front: \_\_\_\_\_ ft.

Height: \_\_\_\_\_ stories \_\_\_\_\_ ft. Total floor area: \_\_\_\_\_ sq.

(b) Approximate date of erection, if existing: \_\_\_\_\_

(c) Present occupancy or use: (of each floor) \_\_\_\_\_

6. Description of proposed work and/or use: \_\_\_\_\_  
\_\_\_\_\_

7. (a) Has the applicant made a previous appeal involving this property to this Board: \_\_\_\_\_  
If "yes", give date of appeal : \_\_\_\_\_

(b) Has the applicant appeared before any other Town Boards involving this property: \_\_\_\_\_  
If "yes" give date, name of Board and reason: \_\_\_\_\_  
\_\_\_\_\_

8. Deed recorded in Middlesex North Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_  
Registry District of the Land Court Cert. No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

9. The reasons for the change that I request are as follows: (Use additional sheet if necessary)

10. Names and address of abutters: (use additional sheet if necessary)

Legal abutters: \_\_\_\_\_ (See attached certified abutter's list.)

Other Property Owners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I further agree that the information submitted by me \_\_\_\_\_  
is true to the best of my knowledge.

Date \_\_\_\_\_ Signature of person who filled out form \_\_\_\_\_

Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

Applicant's Telephone # \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

**INSTRUCTIONS:** Applications must be typed or printed. Draw line through blanks that do not apply.

**THE FILING FEE MUST ACCOMPANY THIS APPLICATION**

**Make checks payable to the Town of Tewksbury**