

ZONING BOARD OF APPEALS

PETITION

SUBMIT A COMPLETE APPLICATION

The applicant (Petitioner) submits a complete Petition/Application by completing the Submittal Requirement Checklist. Then submit the original application and ten copies of all documents with the Town Clerk certifying the time and date of submittal, no later than 4:00 p.m. as shown on the filing deadlines at the top of this page along with a check made out to the “Town of Ipswich.”

NOTICE OF PUBLIC HEARING

The ZBA places the Petitioner on the Agenda for the next meeting, notifies abutters and places a legal notice in the local newspaper to run two consecutive weeks prior to the meeting.

PUBLIC HEARING

ZBA public hearings are held the third Thursday of the month in Room A, Town Hall, 7:30 p.m. The ZBA will hold a public hearing within 65 days of receipt of a properly filed petition. Attendance by the Petitioner or representative is recommended.

DECISION

A written decision will be filed with the Town Clerk within fourteen days of the vote and twenty-day appeal period will then commence. The applicant must then record the original copy of the decision with the Registry of Deeds in Salem. A Building Permit will not be issued without proof of recording.

INSTRUCTIONS FOR COMPLETING PETITION – Page 2

SPECIAL PERMIT CRITERIA

The Board may grant Special Permits in accordance with Section 10 of Chapter 40A of the General Laws, as amended, of the Zoning Protection Bylaw. In order to grant a Special Permit, the Board must find the following:

- a. The benefit to the Town outweighs the adverse effects of the proposed use or action, taking into account the characteristics of the site and proposal in relation to that site;
- b. The Petitioner's application include, in the Board's opinion, sufficiently detailed and credible information to show the project meets the intent of this bylaw.

In making this determination, the Board shall apply the following criteria:

1. Social, economic or community needs which are served by the proposal;
2. Potential fiscal impact, including impact on town services, tax base, employment;
3. Traffic flow and safety, including parking, loading;
4. Adequacy of utilities and other public services;
5. Compatibility with neighborhood character;
6. Impacts on the natural environment.

VARIANCE CRITERIA

The Board may grant Variances in accordance with provision in Section 10 of Chapter 40A of the General Laws, as amended, from the terms and conditions as stated in the Zoning Protection Bylaw. Under specific circumstances where a literal interpretation of the Bylaw would in pose a substantial financial or other hardships upon the petitioner/applicant.

In making this determination, the Board shall apply the following criteria:

1. Soil conditions, shape, or topography affects the land or structure in a special way, but not the zoning district in general.
2. A literal enforcement would impose substantial hardship, financial, or otherwise, to the applicant. Any financial hardship must be somehow related to the land or soil conditions.
3. When relief may be granted to the applicant without substantial detriment to the public good.
4. When relief may be granted to the applicant without substantial detriment to the intent and purpose of the Ipswich Zoning Bylaw.

Please note that all of these conditions must be met for a Variance to be granted. Conditions may be added to address safety and time limitations.

APPEAL

Any person aggrieved by a decision of a Zoning violation Notification and /or denial of a building permit may request a hearing.

While no section of GL Chapter 40A outlines criteria or conditions that must be determined, a case or argument must be made to convince the Board that the decision of the Building Inspector/Zoning Enforcement Officer should be overturned or reversed.

Request to reverse decision are determined on a “case by case” basis considering information and facts presented at the public hearing.

As a final point, prior to submittal of this application, it is recommended that you meet with a representative of the permit granting authority e.g. the Building Inspector, the Health Agent, Conservation Agent, Town Planner. Additionally, meet with the abutters of your property /your neighbors to discuss the project.

Town official are available to assist you, but if you know or feel you may have legal concerns please consult an attorney. Consulting with town officials regarding this applicant does not express or claim to be a substitute for professional legal consul.

Submittal Requirements Checklist

Please submit the original application and ten copies of all documents listed below complied into packets and submit to the Town Clerk to be time stamped no later than 4:00 p.m. as shown on the filing deadlines at the top of the instruction page.

Residential applications: **\$150.** includes legal notice published in local paper.

Commercial applications: **\$200.** includes legal notice fee.

___ Filing Fee: check made to the “Town of Ipswich”.

___ Deed showing the owner of the property or a purchase and sale agreement of letter granting power of attorney.

___ Site Plan drawn to scale showing complete parcel of land, showing the location of all structures, dimensions of all structure, and lot set backs, side and rear setbacks.

___ The Zoning Districts, if more than one show all district lines, including Watershed Protection District, Historical District and Wetlands Protection areas and North Arrow.

___Locus map of land and Assessors tax map.

___If waiver is request from any Boards Rules and Regulations, submit request with rationale.

___If an Appeal of Building Inspectors decision, submit a copy of decision/order and date.

___Any relevant permits obtained and /or information.

For more information regarding Regulations and Requirements see the Zoning Act under Mass General Laws, Chapter 40A and the local Bylaw are available on the Town of Ipswich website www.town.ipswich.ma.us Zoning Board of Appeals.

The Ipswich Zoning Board of Appeals meets every 3rd Thursday of the month except December.

Questions regarding land use, zoning districts, structures, setbacks contact the Building Inspector Jim Sperber or Eric Coville his Assistant in the Building Department at 978-356-6605. jims@town.ipswich.ma.us Inquires regarding petitions, status of decisions contact Marie Rodgers 978-356-6605 ext5 or marier@town.ipswich.ma.us

ZONING BOARD OF APPEALS

PETITION

(PLEASE USE INK & TYPE OR PRINT)

Name of Petitioner: _____ Name of Owner: _____

Address/phone _____ Address/phone _____

Location of work _____ Map _____ Parcel/Lot _____ Zoning District(s) _____

South Registry of Deeds: Book _____ Page _____ Date of land acquisition on title _____

Year house was built: _____ Scenic Roadway: ____yes ____no ____

Special Permit ____ Variance ____ Appeal Decision of Building Inspector ____ Comprehensive Permit ____/see other application

Proposed Work: use additional sheets if necessary and specify the exact nature of your request and state the criteria or substantiate hardship.
(see instruction for completing petition).

Cite Zoning reference and relevant sections of the Zoning bylaw involved: _____

Type of building or structure: _____ Septic System/other _____

Existing structure dimensions _____ Proposed dimensions: _____

Area of lot: _____ Frontage of lot: _____ Date on Zoning Map used to show lot location: _____

<u>Set backs</u>	<u>Existing</u>	<u>Proposed</u>
------------------	-----------------	-----------------

Front yard	_____	_____
------------	-------	-------

Side yard	_____	_____
-----------	-------	-------

Rear yard	_____	_____
-----------	-------	-------

Signature: _____ Date: _____

I hereby acknowledge that I have read and completed submittal requirements for filing this application with the ZBA.

Print Name: _____