

TOWN OF ANDOVER – ZONING BOARD OF APPEALS

36 Bartlet Street, Andover, MA 01810

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GENERAL FILING REQUIREMENTS ANDOVER ZONING BOARD OF APPEALS

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.

Information for Applicants:

1. Applications are submitted via our OpenGov Portal:
<https://andoverma.portal.opengov.com/categories/1087/record-types/6530>
2. *Only IF* the parcel in question abuts another town, you must obtain & submit 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 with your application in order to ensure proper notification per Mass. General Law Chapter 40A, Section 11.*
3. **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.
IF a certified plot plan is not submitted, the hearing may be continued until a certified plot plan has been received. The Board may also deny any incomplete application.
 - 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. **Drawings for:**
 - A) alterations or 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.
5. A **non-refundable** fee (payable to the *Town of Andover* if paid by check) must be submitted at the time of application for the processing, advertising, & abutter notification – and-
- 6.
7. A check payable to the **Commonwealth of Massachusetts** for recording of the decision at the Registry of Deeds.
8. Applications must be submitted no later than 12:00 p.m. on the filing deadline.
9. Incomplete applications may be denied by the Board.
10. Notices of hearings are advertised in the local newspaper on the 14th and 7th days preceding the hearing. No advertisements will be scheduled for publication unless the Office of the Board of Appeals has received the required documents and payment.

11. 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.
12. 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.
13. **The 20-day statutory 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.**
14. 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.
15. A Variance must be exercised *within one year* of the date the decision was filed with the Town Clerk of grant of such Variance.
16. A Special Permit must be exercised *within three years* of the date of grant of such Special Permit.
17. 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.
18. 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.
19. Special Permits for Family Dwelling Units are valid for 5 years unless one of the conditions nullifying the Special Permit is not met.
20. 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.
21. ***The Petitioner or their representative must appear and present the petition at the public hearing.***
22. *A signed **Owner Authorization Letter is required** from the property owner for any petition filed by anyone other than the owner, unless the owner signs the application and this form.*

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

SIGNED: _____ DATE: _____
 Property Owner (See #24 above)

SIGNED: _____ DATE: _____
 Applicant, if not Property Owner

SIGNED: _____ DATE: _____
 Representative, if applicable