



CITY OF PEABODY  
ZONING BOARD OF APPEALS

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5792 • Fax 978-538-5987

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## RULES OF THE ZONING BOARD OF APPEALS

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The following rules are adopted in accordance with  
Massachusetts General Laws, Chapter 40A:

1. Public Hearings are scheduled on the third Monday of every month, subject to change at the direction of the Chairman.
2. **10 copies of all appeals and applications** shall be filed on forms prescribed by the Board and shall be filled out completely.
3. The following shall be submitted with a completed application to the Secretary to the Board:
  - a. **An application fee** made payable to the City of Peabody. Fees are as follows:

i. Residential Application:	\$125
ii. Application to Subdivide a residential parcel:	\$225
iii. Commercial Application:	\$225
iv. Administrative Appeal:	\$225
  - b. **Legal notice publishing fee** (determined by applicant's choice of newspaper).
  - c. **10 legible copies of a certified plot plan** showing the land affected. The plans should be no bigger than 11" x 17" and shall show the following information:
    - The location of all existing buildings, structures, driveways, or similar manmade improvements to the proposed property;
    - The dimensions of all the existing building, structures, driveways, or similar manmade improvements to the proposed property.
    - The dimensions of the proposed property, i.e.; area, boundaries, front, rear and side yard setbacks, F.A.R. lot coverage;
    - The location and dimensions of proposed buildings, additions, or structures;
    - The location and dimensions of any private ways, easements, or right of ways that abut the subject property driveways, parking;
    - The location and dimensions of any private ways, easements, or right of ways that cross the subject property;
    - A scale of measurements of one- inch equals forty feet (1" = 40')
    - Address of the property.
    - The name of the person or entity preparing the plan; and the other pertinent information, locations, or dimensions.
    - Denote proposed relief and required relief.
    - Denote Map and Lot Number on Plot Plan.
    - Shall be dated and contain the name of the petitioner and the person who drew the plan.
    - In the case of variances affecting setback, distance from side or rear lot lines, frontages, area, and any proposed lot lines. The plan shall show in addition to the lot in question a sufficiently large area surrounding the lot so that at least properties adjoining and opposite the property will be shown.

- Any further details that may be necessary to give a picture of the area in which the lot lies and the size and the location of all building locations of the several lots in the area.
  - In the case of variances which affect the use of buildings, a floor plan of the building in question shall be shown with a scale of one-inch equals ten feet (1" = 10').
  - The plan shall show a directional arrow
  - Length of boundary lines, distances, lot areas, and any proposed new boundary lines in the case of a subdivision.
  - The certified plot plan shall not be older than six (6) months.
- d. **A certified list of abutters** of the property affected, including their names and addresses. This list is obtained from the Office of the City Assessor. Please allow for up to five (5) days to obtain this certified list.
  - e. **Written denial** by the Building Inspector. No exceptions.
  - f. **10 copies of the completed application and all attachments** is to be submitted to the Secretary to the Board for review and then time-stamped by the City Clerk's office. Upon receipt of the application by the Secretary, there shall be a waiting period of up to forty-five (45) days and the next regularly scheduled meeting for the preparation of papers, publications, and legal waiting periods.
  - g. If the applicant has appeared before any other board, commission, or authority, either directly or indirectly, in connection with a petition for Variance, Application for Special Permit/Finding, or Notice of Appeal, pending before the Board, the applicant shall disclose such appearance. The applicant shall include with the petition for Special Permit/Finding **(10) copies of any Decision, order, or similar determination as issued from the other board, commission or authority.**
4. In the event that the Chairman or Board deems a filed application or plan inadequate for proper understanding of the matter, the applicant shall be given the opportunity to submit additional information, revise the plan, or substitute a new one. An application may be dismissed for failure to comply with these rules.
  5. The Board of Appeals will publish a notice of the hearing on all applications assigned for hearing in a newspaper of general circulation in the City of Peabody. The Board will send notices to the Petitioner and to all certified abutters. The Building Inspector and any other administrative department whose decision is being appealed or who has interest in the matter will also be notified. Between the date of first publication of the hearing and the date of the hearing there shall be an interval of at least fourteen (14) and not more than thirty-one (31) days. The applicant shall bear the expense of the publishing of this notice. The Secretary to the Board will arrange for publication; payment is required at time of submittal.
  6. The applicant shall produce at the hearing deeds, plot plans, and any other records reasonably bearing upon the application in question. The Board may retain any additional information which has been introduced as evidence for reference in the consideration of the application.  
The decision of the Board shall be made within ninety (90) days from date of filing with the Board. The Board shall make a record of its decisions, indicating such fact and setting forth clearly the reason for its decisions, and of its other official actions, copies of which shall be filed with the City Clerk's Office and shall be public record. A notice of decision shall be mailed to the Petitioner, Petitioner's representative, all certified abutters, Building Inspector, City Clerk, and the Planning Board. Minutes of the public hearing are also a matter of public record.
  7. The Board may, by majority vote, waive any provision of these Rules for good cause shown, provided that such waiver shall not be inconsistent with any provision of the Peabody Zoning Ordinance or Massachusetts General Laws.

Please be advised, if the application is not submitted with complete information or is not completely filled out, the Zoning Board of Appeals reserve the right to dismiss, without prejudice.



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**MEETING DATES FOR BOARD OF APPEALS  
2019**

<b>MEETING DATES</b>	<b>DEADLINE FOR FILING</b>
January 28, 2019	December 26, 2018
February 25, 2019	January 23, 2019
March 18, 2019	February 13, 2019
April 22, 2019	March 20, 2019
May 20, 2019	April 17, 2019
June 17, 2018	May 15, 2019
July 15, 2018	June 12, 2019
<b>NO AUGUST MEETING</b>	
September 16, 2019	August 14, 2019
October 21, 2019	September 18, 2019
November 18, 2019	October 16, 2019
December 16, 2019	November 13, 2019

**APPLICATIONS MUST BE IN BY 10:00 A.M. ON DEADLINE DATE.**

**ALL MEETINGS ARE HELD AT 7:00 P.M. IN THE WIGGIN  
AUDITORIUM, PEABODY CITY HALL.**

**MEETING DATES ARE SUBJECT TO CHANGE.**

**COMPLETED APPLICATIONS CONSIST OF ...**

- ◆ **10 COPIES OF VARIANCE APPLICATION**
- ◆ **DENIAL LETTER**
- ◆ **ABUTTERS LIST**
- ◆ **PLOT PLAN**

**INCOMPLETE APPLICATIONS ARE NOT ACCEPTED.**



## PEABODY ZONING BOARD OF APPEALS VARIANCE APPLICATION

1. Name of Applicant: \_\_\_\_\_
2. Applicant's Address: \_\_\_\_\_
3. Applicant's Phone Number: \_\_\_\_\_ Applicant E-Mail: \_\_\_\_\_
4. Name of Property Owner: \_\_\_\_\_
5. Address of Property Owner: \_\_\_\_\_
6. Address of Subject Property: \_\_\_\_\_
7. Ward: \_\_\_\_\_
8. Property Characteristics:
  - a. Square Footage of Area: Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_ Required: \_\_\_\_\_
  - b. Frontage: Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_ Required: \_\_\_\_\_
  - c. Zoning District: \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_
  - d. Is this an Application for a Sign Variance? **Y / N**  
If yes, please include Sign Application.
  - e. Is this a corner lot? **Y / N**
  - f. Dimensional Requirements:

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Front Yard</b>			
<b>Rear Yard</b>			
<b>Left Side Yard</b>			
<b>Right Side Yard</b>			
<b>Height</b>			
<b>Stories</b>			
<b>Building Area</b>			
<b>Lot Width</b>			
<b>Lot Coverage</b>			

g. Please describe any other zoning relief (for example parking, landscaping, etc...)

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h. Present use of property: \_\_\_\_\_

i. Is this an administrative appeal? **Y / N**

If yes, the following must be provided:

- A copy of the determination appealed **MUST** be attached hereto.
- Letter from Building Commissioner **MUST** be made part of this file.

10. Has a Variance, Special Permit, and/or Finding ever been requested of the Property? **Y / N**

If yes, **attach copy of decision** and answer the following:

- Date approved or denied: \_\_\_\_\_
- Name of previous owner/applicant: \_\_\_\_\_

11. Has the applicant appeared before any city board, agency, commission, or other authority, either directly or indirectly, for this application request? **Y / N**

If yes, **attach copy of decision** and answer the following:

- Date of appearance: \_\_\_\_\_
- Name of owner/applicant: \_\_\_\_\_
- Name of Board: \_\_\_\_\_

12. Provision(s) of the Zoning Board Ordinance which relate(s) to the requested Variance (cite article(s) and section(s):

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13. For what purpose do you request the Variance: \_\_\_\_\_

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14. Is the applicant seeking to sub-divide a parcel of land? Y / N

If yes, **attach copy of decision** and answer the following:

o Planning Board Application Completed: \_\_\_\_\_

o Planning Board Recommendation Rcvd: \_\_\_\_\_

15. Is the applicant seeking a variance for the purpose of a FALA (Family Accessory Living Area)? Y / N

**Stop**

Pursuant to M.G.L. Chapter 40A 10: “The permit granting authority shall have the power after public hearing for which notice has been given by publications and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable Zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting land or structures by not affecting 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 substantially derogating from the intent or purpose of such ordinance or by-law ...” (emphasis added)

**QUESTIONS 16 MUST BE ANSWERED IN ORDER TO CONSIDER YOUR APPLICATION**

16. Describe the hardship and characteristics of your property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Provide any other relevant information which the applicant wants the Zoning Board of Appeals to consider: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Application Submitted	
Applicant Name	
Applicant Signature	
Phone Number	
E-Mail Address	

**Approved by Building Commissioner**

\_\_\_\_\_  
**Al Talarico**



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**LEGAL ADVERTISING**

I \_\_\_\_\_ HAVE CHOSEN THE FOLLOWING PAPER TO  
(Name)

PLACE MY LEGAL ADVERTISEMENT IN FOR THE PURPOSE OF PUBLIC

HEARING/MEETING: \_\_\_\_\_  
(Address)

- PEABODY/LYNNFIELD WEEKLY NEWS (Essex Media Group) \$100.00 +/-
- SALEM EVENING NEWS \$400 +
- DAILY EVENING ITEM OF LYNN \$400 +

◆ PLEASE SEE POSTED ADVERTISING RATES

**SIGNED**

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Please make check out to newspaper of choice and submit it with your filing. Staff must run the legal ad for the applicant. Prices may vary significantly from what is listed on this document. You may receive a future bill directly from the newspaper.



# City of Peabody CERTIFICATION OF ABUTTERS

DATE: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_ MAP: \_\_\_\_\_ LOT: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_

- \_\_\_\_\_ Chapter 138, Section 15A – direct abutters & churches, synagogues, hospitals, & schools within 500'
- \_\_\_\_\_ Chapter 40A, Section 11 – abutter to abutter within 300'
- Special Permit \_\_\_\_\_ Variance \_\_\_\_\_ Entertainment License \_\_\_\_\_ Site Plan Review \_\_\_\_\_
- \_\_\_\_\_ Chapter 41, Section 81T – Notice of Submission of Plan – direct abutters
- \_\_\_\_\_ Chapter 32, City of Peabody Code – Wetlands & Rivers Protection Regulations – abutter to abutter within 300'
- \_\_\_\_\_ Chapter 131, Section 40 – Notice of Intent – all abutters within 100'
- \_\_\_\_\_ 700 CMR 3.06, State Permits for billboard signs – Notification within 500'

*Please allow up to 5 business days for the completion of your request.* \_\_\_\_\_

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**BOARD OF ASSESSORS  
CITY OF PEABODY**

\_\_\_\_\_  
**CERTIFIED**