

# Zoning Board of Appeals

## *Application Procedures*

### 1 General Information

The Zoning Board of Appeals (ZBA) acts upon matters as it relates to Special Permits and Variances under the Town's Zoning Bylaw and Sign Bylaw, appeals of the Building Inspector's decisions, and provision of the Subdivision Control Law, Section 81Y through 81BB. A copy of the ZBA meeting schedule, filing deadline for each meeting, and Application can be found on the [ZBA website](#) or can be obtained at the ZBA office located at 141 Keyes Road. All hearings are open to the public, as required by law, and all Applications submitted become public record.

### 2 Preparing the Application

Review the [Concord Zoning Bylaw](#) before completing the application. Identify the specific sections of the Zoning Bylaw that pertain to the Application and enter these section numbers on the Application form. If a Special Permit is sought, reference Section 11.6 of the Bylaw or if a Variance is sought, reference Section 11.7 of the Bylaw. Failure to cite or note the correct sections could cause delays for your project.

Fill out the ZBA Application completely in accordance with these procedures and the appropriate Application checklist so that there will be no ambiguity or uncertainty as to the intent of your Application. Much of the required property information can be easily obtained through Concord's [WebGIS](#) program.

Review your Application with a Concord Building Inspector to ensure that the Application is correct, complete, and clear. All applicable site plans, building plans and any required documentation should be included for this review. **It is the Applicant's responsibility to schedule an appointment for this review at least two weeks before the Application submission deadline** in order to avoid project delays. The Application will be reviewed and signed by a Building Inspector prior to filing. Contact the [Building & Inspections Division](#) to arrange an appointment.

Please note that certain types of Applications require recommendations and/or approvals from other Boards and Commissions before a decision may be rendered by the ZBA. Some examples are:

- If any portion of the property is located within one of Concord's Historic Districts, contact the [Historic Districts Commission](#) office directly for a determination of applicability. A Certificate of Appropriateness may be required before a decision will be rendered by the ZBA.
- If a [Planning Board](#) review and recommendation of the Application is required, additional copies of the complete ZBA Application and supporting documentation must be submitted to the Planning Board at the same time that the Application is filed with the ZBA.
- If any portion of the project falls under the jurisdiction of the [Natural Resources Commission](#), contact the [Division of Natural Resources](#) office directly. A Determination of Applicability and/or an Order of Conditions issued may be required before a decision will be rendered by the ZBA.

### 3 How Many Copies of Applications to Provide

The amount of copies to provide of each Application depends on the type of Application being submitted. Applicants are urged to contact the ZBA Office if there are any questions as to what needs to be provided. Not providing adequate copies on the day the Application is filed may result in delays. **Do not provide copies of this procedure form with each Application.** Full-size plans are 24" x 36" and reduced-size plans are 11"x17".

#### **Special Permit ▪ Special Permit Renewal ▪ Variance ▪ Sign Variance Appeal from a decision of Building Inspector/Zoning Enforcement Officer**

- Ten (10) copies of the completed two-page Application (1 original and 9 copies)
- Ten (10) copies of all supportive materials (see Application checklist for the required materials)
- Two (2) full-size copies of the plan(s) showing all requested information
- Nine (9) reduced-size copies of the plan(s) showing all requested information
- One (1) copy of the Abutters List Request Form and/or copy of receipt from Assessor's Office
- One (1) copy of the Legal Notice Form

#### **Special Permit with Site Plan Review ▪ Special Permit with Planning Board Recommendation**

- Twenty-six (26) copies of the completed four-page Application (1 original and 25 copies)
- Twenty-five (25) copies of all supportive materials (see Application checklist for the required materials)
- Ten (10) full-size copies of the plan(s) showing all requested information
- Eighteen (18) reduced-size copies of the plan(s) showing all requested information
- One (1) copy of the Abutters List Request Form and/or copy of receipt from Assessor's Office
- One (1) copy of the Legal Notice Form
- One (1) electronic copy of Application, supporting materials, and plan sets on CD

Additional copies are needed if the Application meets any of the following requirements:

- If property is in West Concord Village, West Concord Business or West Concord Industrial Zoning Districts, please provide an additional one (1) copy of the Application, one (1) reduced size plan set, and one (1) copy of all supporting documentation.
- If Application includes Stormwater Management Report and/or Drainage Calculation Report, please provide (four) 4 copies of each report, along with an electronic copy on CD.
- If deemed necessary that outside consultant review is required, please provide an additional one (1) copy of the Application, one (1) copy of supporting documentation, and one (1) full-size plan set.

### 4 How to File Application

The Application filing process consists of several steps which must be completed on the same day. It is strongly recommended that Applicants allow adequate time to complete the process.

**Step One:** File the Application (with all the required copies, documentation, and plans) with the [Town Clerk](#) at 22 Monument Square. The Town Clerk will date stamp each Application, keep one copy, and return the rest to you. Please retain the original signed Application because that is required to be submitted to the ZBA office.

**Step Two:** Pay for the Certified Abutters List. Submit one copy of the "Abutters List Request Form" to the [Assessors Office](#) at 24 Court Lane. Town staff will sign a copy of the request form and give it back to you to submit with your Application. When completed, Assessing will forward the Abutters List to the ZBA office and that office will mail the abutter notices. If the property abuts any neighboring Towns, the Applicant is required to provide a certified abutters list from that Town's Assessing Office.

**Step Three:** File the remaining stamped Applications (including the original), supporting documentation, and fee at the ZBA office at 141 Keyes Road. The fee is payable by cash or check. If fee is paid by check, please make it payable to the **Town of Concord**. See Fee Schedule for the appropriate fee.

<b>5</b>	<b>Fee Schedule</b>
Special Permit	\$200
Special Permit with Site Plan Review	\$200 + Appropriate Site Plan Fee (\$500 or \$15 per 1,000 SF of gross floor area, whichever is greater)
Special Permit Renewal	\$100
Variance	\$200
Sign Variance	\$200
Planned Residential Development	\$500 + \$100 per dwelling unit (dwelling unit fee waived if subdivision fee is required)
Comprehensive Permit	\$500 + \$100 per dwelling unit
Appeal of a Decision of the Building Inspector	\$50
Personal Wireless Service Facilities	\$750

**6 Prior to the ZBA Hearing**

Fourteen (14) days before the scheduled meeting date, the meeting agenda will be posted with the Town Clerk's office. On the same day that the agenda is posted with the Town Clerk, the Applicant and all parties listed on the abutters list will be mailed a copy of the meeting agenda. Notice of public hearings shall be published twice, one being two weeks in advance of the hearing, in a newspaper of general circulation for Concord, in this case the Concord Journal. ZBA staff will send the legal notice to the publisher and the publisher will bill the party listed on the "Legal Notice Form" submitted with the Application.

The Applicant should follow up with the staff of other Town boards, as applicable, to ensure that their review and recommendation of the proposed project will be available before your scheduled hearing date. If you determine that these reviews and recommendations will not be available by the ZBA scheduled hearing date, you should request a continuance of the ZBA hearing, in writing, until such other board review and recommendation is completed.

Although it's not required, the ZBA encourages all Applicants to meet with abutters prior to the public hearing to discuss and review the Application.

**7 On the day of the ZBA Hearing**

The Applicant and/or their Representative must appear at the hearing. At the hearing, the Applicant and/or their Representative will be asked to briefly review the Application and answer any questions presented by the Board. If any new supporting documentation is provided at the meeting, the Applicant must provide sufficient copies for Board members and the official record file.

**8 After the ZBA Hearing**

Within fourteen (14) days from the date in which a decision is rendered, the ZBA will file their decision with the Town Clerk. On the day the decision is filed with the Town Clerk, the twenty (20) day appeal period begins and all abutters will be notified by mail. When the 20-day statutory appeal period has elapsed and no appeals have been filed, the Applicant will receive a certified original of the decision. It is the Applicant's responsibility to record the decision with the [Middlesex South Registry of Deeds](#). The Registry of Deeds is located at 208 Cambridge Street, Cambridge, MA 02141. The fee for recording or registering is paid by the owner or applicant. The Concord Building Inspections Division will not issue any permits without evidence of such recording.

**Instructions**

This form is to be completed by the Applicant and submitted to the Assessor's Office, 24 Court Lane, at the same time that the Applicant submits the required number of copies of a complete ZBA Application to the Town Clerk. The Assessor's Office will calculate the number of Abutters to the property while you wait. The charge per Abutter is \$1.00 and must be paid to the Assessor's Office at that time. The Assessor's Office will later submit the list of Abutters to the ZBA Office and that Office will mail the Abutter Notices on the appropriate date. If the property abuts any neighboring Towns, the Applicant must also provide a certified abutter's list from that Town's Assessing Office.

Date of Request:

Name of Person Requesting List:

Telephone Number:

Property Address Requested:

Parcel Number(s):

I am submitting an Application to the:

- Zoning Board of Appeals
- Planning Board

**For Assessors Use Only**

Date Processed:

Amount Paid:

Signature:

**Instructions**

This Application requires a notice of a public hearing. Legal notices are currently submitted to the Concord Journal for publication. **Note:** A delay in the publication of the legal notice may cause a delay in the opening of the public hearing.

Name:

Address:

Telephone Number:

E-Mail:

Date:

*I hereby acknowledge responsibility for payment of the required legal notice to the Concord Journal.*

Signature:

*For Billing Inquiries Please Contact:*

**COMMUNITY NEWSPAPER COMPANY**

The Concord Journal

Legal Notice Department

Phone: 781-433-7902

Fax: 781-433-1702 or 781-453-6650