



## TOWN OF BURLINGTON

### *Board of Appeals/Town Clerk's Office*

Amy E. Warfield, Town Clerk, CMC  
Linda A. McNeill, Assistant Town Clerk  
Kirsten Midgley, Administrative Assistant  
Kaitlyn O'Shea, Administrative Assistant

Jeffrey DiBona, Chairman  
Jennifer Cutillo, Administrative Clerk

### Quick Reference Checklist

Applicant is advised to review the Burlington Zoning Bylaw and the Rules of the Board of Appeals prior to filling out an application and prior to appearing before the Board at a public hearing. These can be found at [www.burlington.org](http://www.burlington.org) Please note, there are time-schedules with this process, you must plan on getting this paperwork started at least 30 days prior to your hearing.

When you submit your application you will need the following:

- ☐ A copy of Building Inspector's Decision - Please check with the Building Department to obtain the Building Inspector's Decision.
- ☐ Completed Variance Application – Application is attached or can be completed online via the online permitting system found at: <https://burlingtonma.viewpointcloud.com/>
- ☐ Certified plot plan must be submitted. The plot plan must not be more than 6 months old. Scale not less than 1 inch=40 feet, North point shown, All existing or proposed structures and distance to lot lines., All easement locations and width, if any; Names and locations of direct abutters, Location of Flood Hazard District, if any; (Plot Plan not required if filing for a sign permit)
- ☐ A filing fee of \$100.00 for applications for residential property, \$250.00 for Commercial property, and \$5,000.00 for Comprehensive Permits.
- ☐ Administrative fee for abutters list and mailings. Fee calculated and paid online via online permitting system found at: <https://burlingtonma.viewpointcloud.com/>
- ☐ **If Filing for a Sign Permit-** Include a sketch of the proposed sign, showing the size, type, illumination(including outputs in units of Lumens or NITs), position on building, nighttime rendering, distance from nearest residentially zoned land and distance and location from the nearest public way. All existing and proposed signage on the building must be shown, including any and all signs permitted even if by right.
- ☐ Signed release to allow Daily Times to bill applicant.

If you have any further questions email:

[appealsclerk@burlington.org](mailto:appealsclerk@burlington.org)

Jen Cutillo

Board of Appeals - Administrative Clerk





## TOWN OF BURLINGTON

### *Board of Appeals*

---

Jeffrey DiBona, Chairman  
Jennifer Cutillo, Administrative Clerk,

Date: \_\_\_\_\_

To : Daily Times Chronicle  
1 Arrow Dr.  
Woburn Ma.01801-2090

I hereby authorize Daily Times Chronicle to bill me directly for the legal notice published twice in the Burlington for a public hearing with the Burlington Zoning Board of Appeals regarding property at:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please print where to send the bill to:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Day-time Telephone Number: \_\_\_\_\_

Email address: \_\_\_\_\_



## Town of Burlington Board of Appeals Application for Hearing

(Instructions are contained on the reverse side)

This application must be completed, signed and submitted with the necessary documents and filing fee by the applicant or his/her representative in accordance with the Board's Rules and Procedures as set forth on the reverse side of this application.

### Location of Property

#### Applicant

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email \_\_\_\_\_

#### Property Owner

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email \_\_\_\_\_

### Characteristics of the Property

Lot Area \_\_\_\_\_

Map # \_\_\_\_\_

Parcel # \_\_\_\_\_

Zoning District \_\_\_\_\_

Present Use \_\_\_\_\_

#### Application is for:

\_\_\_\_\_ An appeal from the Building Inspector

\_\_\_\_\_ A Variance

\_\_\_\_\_ A Sign Permit

**Applicable Section of the Zoning By-Law:** Article # \_\_\_\_\_

Section # \_\_\_\_\_

Nature and justification of request – Please give a detailed description (Use additional pages if necessary)

I hereby request a hearing before the Board of Appeals with reference to the above application.

Signature of Applicant (or his/her representative) \_\_\_\_\_

Address if not Applicant \_\_\_\_\_

Telephone Number \_\_\_\_\_

Owner's permission if other than Applicant \_\_\_\_\_

Application and fee in the amount of \$ \_\_\_\_\_ received and filed with the Town Clerk for the Town of Burlington on \_\_\_\_\_

### Summary of Board of Appeals Action

(Date)

Received by Hearing \_\_\_\_\_

Date Decision \_\_\_\_\_

required by \_\_\_\_\_

(100 days after filing for appeal or variance)

Parties in Interest Notified or Public Hearing \_\_\_\_\_

Notice of Decision sent to Parties in Interest \_\_\_\_\_

#### Decision of the Board:

Granted \_\_\_\_\_

(Date)

Denied \_\_\_\_\_

(Date)

Withdrawn \_\_\_\_\_

(Date)

Decision filed with Town Clerk \_\_\_\_\_

(Date)

## **1.0 Application**

- 1.01 Applicant is advised to review the Burlington Zoning By-Law and the Rules of the Board of appeals prior to filling out an application and prior to appearing before the Board at a public hearing. The application form shall be filled out in accordance with the Rules of the Board so that there will be no ambiguity or uncertainty as to the applicant's intent in seeking approval of his/her application.
- 1.02 In the case of a variance the following points, based on Massachusetts General Laws, Chapter 40A, Section 10, shall be identified and factually supported on the application form and verbally at the hearing. A) The particular land or structure, or the use proposed for the land or structure, if any; B) the circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting the land or structure for which the variance is sought which do not affect generally the zoning district in which it is located; C) the facts which make up the substantial hardship, financial or otherwise, which results from the literal enforcement of the applicable zoning restrictions with respect to the land or structure for which a variance is sought; D) the facts to support a finding that the relief sought will be without substantial detriment to the public good, and E) the facts to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent and purpose of the Zoning By-Law.

**In order for a variance to be granted all of the above conditions must be met.**

## **2.00 Submission of Application (Procedures for Applications).**

- 2.01 An appeal, a petition for a variance or an application for a sign permit, shall be decided following a public hearing. Application for the above shall be made with the permit granting authority (Zoning Board of Appeals) a copy of which shall be given to the Town Clerk by the applicant (Reference G.L. 40A, Sec. 9). The application can be submitted electronically via the online permitting system accessible at the following web address: <https://burlingtonma.viewpointcloud.com/>
- 2.02 The following documents must accompany all applications for resident applications.
- A) A certified plot plan must be submitted. The plot plan must not be more than six (6) months old, certified by a registered engineer or land surveyor. Plot plan must meet the following requirements and show the following items:
- Scale not less than 1 inch=40 feet
  - North point shown
  - All existing or proposed structures and distance to lot lines.
  - All easement locations and width, if any; Names and locations of direct abutters, Location of Flood Hazard District, if any;
- B) Sign permit applications should include a rendering of the proposed sign; showing the sign size, type, illumination, position on building, distance from nearest residentially zoned land and distance from nearest public way.
- C) A copy of building Inspector's decision.
- D) Filing fee of \$100.00 for Residential, \$250.00 for Commercial, \$5,000.00 for Comprehensive Permits.
- E) Administrative Fee for Abutters List and Mailings. Fee is paid online via electronic permitting system found at : <https://burlingtonma.viewpointcloud.com/>
- F) Legal Notice to be advertised in the newspaper and sent to abutters; assistance with this is provided by the Board of Appeals Administrative Clerk
- All conditions must be met before an application can be accepted.**

## **3.00 Notice of Hearing**

- 3.01 Notice of the hearings shall be advertised as required by the provisions of General laws, Chapter 40A, Section 11.
- 3.02 All hearings shall be open to the public and shall be conducted in accordance with the Massachusetts Open Meeting Law, General Laws, Chapter 39, Section 23B.
- 3.03 Regular meetings of the Board shall be held as necessary at 7:30p.m., on the first and third Tuesday of each month, or as determined at other times by the Board. The meetings will be held in the Main hearing room at the Town Hall unless posted otherwise.