



CITY OF MELROSE

BOARD OF APPEALS

STEVEN S. BROADLEY, CHAIRMAN
Jessica S. Mitchell, Clerk

CITY HALL, 562 MAIN STREET
MELROSE, MA 02176
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GENERAL REQUIREMENTS FOR APPLICATION TO THE MELROSE ZONING BOARD OF APPEALS (“ZBA”)

INTRODUCTION

These General Requirements are available to guide the Applicant through the appeals process. The Applicant should read this material carefully and will be required to certify compliance with these General Requirements upon filing an Application. The ZBA procedures are outlined in the City of Melrose Zoning Ordinance. Please review the Ordinance for further information, and carefully review the “Requirements for Special Permits” and “Requirements for Variance” included here. The Applicant (or his representative) is required to make a verbal presentation at the ZBA public hearing to address ZBA legal requirements. In complex cases, it may be useful to seek professional advice.

SUBMISSION REQUIREMENTS

In order to facilitate review of ZBA applications it is essential that all the information described below be submitted. Complete applications reduce delays and additional costs in the process. In filling out the application form, clearly specify what provisions of the Zoning Ordinance the desired variance, special permit or appeal is from. The plans you submit should clearly indicate what construction you are proposing and why you need a variance or special permit. The better prepared the information you submit is, the more quickly and efficiently the City can process the application. Questions regarding this form can be directed to the Office of Planning and Community Development, 781-979-4190.

During preparation of the application the Applicant may receive and include recommendations and approvals from other City Boards and officials. These should not be construed by the Applicant as satisfying ZBA requirements.

Application Form and Plans

The following information comprises a completed application. **Fifteen (15) assembled copies of all information must be submitted.** The originals will be filed with the City Clerk, 13 copies will be provided to the ZBA by the City Clerk, and one copy will be retained by the Applicant.

1. **Completed Application Form.** Please do not leave blank fields as all of the information requested on the application is needed to process your application.
2. **Letter from the Building Commissioner.** Applicants should submit plans to the Building Commissioner prior to submitting an application to the ZBA. The Building

Commissioner will issue a letter stating the grounds for denial of the requested permit and the relief required from the ZBA.

3. **Certified Plot Plan.** The Plot Plan must be prepared by a licensed surveyor on a scale adequate for interpretation, but ordinarily not smaller than 1 inch = 40 feet. The plot plan shall have indicated thereon any abutting streets, roads or ways, natural waterways of a seasonal or permanent nature, and the ownership of the parcel in question. The distance of any existing structures to the lot lines should be indicated in any area where modifications are proposed. This plan must be certified by a licensed surveyor and must not be modified by anyone after certification. Mortgage surveys are not adequate.
4. **Site Plan.** The Site Plan shall be prepared on a scale adequate for interpretation, but ordinarily not smaller than 1 inch = 40 feet which indicates any changes in the site that will occur as a result of the application. The overall dimensions of proposed structures needs to be clearly marked as well as the proposed distance to the property line. If appropriate, this information can be indicated on the plot plan by the licensed surveyor preparing the certified plot plan. If the application is for a special permit for parking greater than four spaces, a separate parking and landscape plan indicating compliance with Section 235-41 of the Zoning Ordinance must be submitted. Such plans should not be on a scale smaller than 1 inch = 20 feet.
5. **Construction Plans (building elevations and floor plans).** Construction Plans shall be prepared on a scale adequate for interpretation, but ordinarily not smaller than 1 inch = 40 feet. Professional preparation of layout plans is recommended but not required for buildings under 35,000 cubic feet in volume, as long as due care and attention to the detail and scale of drawings is exercised.
 - a. When the application concerns an existing building to which changes or additions are proposed, the plan shall include such front, side or rear elevation drawings as may be necessary to show changes proposed to the exterior of the structure, and also the plan of any floor where additions or alterations are proposed, including all entrances or exits, windows, interior partitions and doorways, stairways, chimneys and any other pertinent features.
 - b. When the application concerns a proposed building, the plans shall include front, side and rear elevation drawings, including all portions of the structure below grade, and floor plans of all proposed floors, including all entrances and exits, windows, interior partitions and doorways, stairways, chimneys and any other pertinent features.
6. **Additional Information.** At any time after receipt of the application by the ZBA, the Applicant may be requested to file further information and/or documents which will become part of the file of the ZBA.

Administrative Materials and Fees:

In addition to the items identified above, your completed application must include the following materials. **Submit two (2) copies of each item as indicated**, one for the City Clerk and one for the ZBA Clerk.

7. **Application Checklist.** A completed copy of the Application Checklist indicating that all the application materials have been submitted. The checklist shall be signed to certify that you understand and agree to comply with the requirements outlined in the “General Requirements for Application to the Melrose Zoning Board of Appeals”, and that the application submitted is complete as per those requirements. (2 Copies)
8. **Abutters List.** A certified list of all “Parties of Interest” within 300 feet as defined in Article X, section 235-60C(3)(c) of the Melrose Zoning Ordinance must be obtained by the Applicant from the Melrose Assessor’s Office and from the Assessor's Office of any surrounding town if the subject property is within 300 feet of a city or town line. The list must be certified no more than 45 calendar days prior to filing the ZBA application and will include the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, all as they appear on the most recent applicable tax list. Use the attached Abutters List Request Forms. (2 Copies)
9. **Advertising Fee Billing Authorization.** A signed copy of the billing authorization form for the advertising fee must accompany the application. Notice of the hearing is published twice in a local newspaper. The ZBA will determine publication dates and submit the required advertisement to the newspaper. The Applicant will be billed directly at the address given on this form. The cost of the advertisement varies depending on the complexity of the request and the resulting size of the advertisement. If you have concerns about this cost, please contact the newspaper indicated on this form prior to submitting your application to the ZBA. (2 Copies)
10. **Application Filing Fee.** A non-refundable fee of \$350.00 for 1 to 3 family residential applications and \$500.00 for all other types of applications must be paid by the Applicant at the time of filing the completed application. This fee is not refundable should you later decide to withdraw your application.

The application will not be deemed filed unless accompanied by the documents, plans and filing fee required herein.

PUBLIC HEARING

Once a completed application is filed with the City Clerk it will be assigned a case number. A hearing date with the ZBA will be scheduled within 65 days. The ZBA meets as needed, but generally meets on the 2nd Wednesday of the month and the 4th Wednesday of the month if the volume of activity is high. The Applicant will receive notice of the public hearing by mail two weeks prior to the hearing date. Notice will also be sent to all abutters within 300 feet of the subject property. Notice of the hearing will be published twice in a local newspaper not less than 14 days preceding the hearing. The ZBA will prepare the advertisement, with the information as it appears on the application, and the Applicant pays all fees for this publication, which will be billed directly by the newspaper.

All ZBA cases are reviewed by the Melrose Planning Board in advance of the ZBA public hearing. The Planning Board acts in an advisory capacity and provides a non-binding recommendation to the ZBA on each case. The ZBA will submit a copy of the application material to the Planning Board in advance of their meeting. The Planning Board generally meets

on the 4th Monday of the month. The Applicant will be notified of the Planning Board public meeting by mail.

REQUIREMENTS FOR SPECIAL PERMITS

The Applicant must present evidence at the public hearing supporting an application for a special permit that all of the following general conditions are fulfilled: Review Article XI, section 235-63 of the Melrose Zoning Ordinance for further information.

1. The use requested is listed in the Table of Use and Parking Regulations as requiring Special Permit in the district for which the application is made or is designated elsewhere in the Zoning Ordinance.
2. The requested use is essential or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
4. The requested use will not overload any public waterway, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety, or the general welfare.
5. Any special regulations for the use, set forth in Article XI of the Zoning Ordinance, are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare of the general population.

REQUIREMENTS FOR VARIANCE

The Applicant must present evidence at the public hearing supporting an application for a variance that the requirements enumerated below are met. Review Article XI, section 235-64 of the Melrose Zoning Ordinance for further information.

A variance may be authorized for a particular use or parcel of land or to an existing building thereon where, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship, financial or otherwise, to the Applicant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance.

Before any variance is granted, all of the following conditions must be present:

1. Conditions and circumstances are unique to the Applicant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.
2. Strict application of the provisions of the Zoning Ordinances would deprive the Applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.
3. The unique conditions and circumstances are not the result of actions of the Applicant taken subsequent to the adoption of the Zoning Ordinance on November 27, 1972.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.
6. A literal enforcement of the provisions of the Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the Applicant.

DECISIONS

Decisions made by the ZBA are filed with the City Clerk within 14 days of the vote, and a copy of the decision is mailed to the Applicant. Parties in interest, as defined previously in these requirements, are notified of the ZBA's action by mail. If a variance or special permit is granted, it will not take effect until a copy of the decision bearing the certification of the City Clerk that the 20 day appeal period has elapsed after the decision has been filed in the office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with Middlesex South District Registry of Deeds. Proof of such recording must be presented to the Building Department before a building permit may be issued.

The Applicant is responsible for requesting the certification from the City Clerk and recording it, along with the complete decision, with the Middlesex South District Registry of Deeds along with paying any recording fees required. Please retain a copy of all materials submitted and obtain a receipt from the Registry to present to the Building Department.

If the rights authorized by a variance are not exercised within one year of the date of such variance they shall lapse. A special permit shall lapse if construction has not begun within two years.

Any work for which any permit has been issued by the Building Commissioner shall be actively pursued within 90 days and completed within one year of the date of the issuance of the permit.

**City of Melrose
Zoning Board of Appeals
Advertising Fee Billing Authorization**

To: Melrose Free Press
c/o Community Newspaper
254 Second Avenue
Needham, MA 02494
Attn: Legal Advertising Department

I hereby authorize Community Newspaper to bill me directly for the legal notice to be published two times in the Melrose Free Press newspaper for a notice of Public Hearing with the Melrose ZBA. I understand the ZBA Clerk will write and submit the advertisement, using the information contained on the application, and that the Melrose Free Press will bill me directly for the cost of the ad.

Errors and omissions in the application material are the responsibility of the applicant and could result in additional advertisement costs to the applicant.

Please note: An application cannot be scheduled for public hearing without advertisement. If the Melrose Free Press is unable to publish the advertisement due to non-payment by the applicant or other reasons related to actions or inactions by the applicant, the hearing date may be revoked and the City of Melrose may no longer be able to accommodate a hearing within 65 days of the filing date.

Signed: _____

Print Name: _____

Address: _____

Home Phone: _____

Work Phone: _____

Notice to Applicant:

The cost of the advertisement is based on the length of the ad and varies with each application. If you have concerns about this cost, please call the Melrose Free Press and inquire about their rates prior to submitting you application to the ZBA.

Melrose Free Press Legal Advertisement Department
Phone: 781-453-7902
Fax: 781-453-6650

**City of Melrose
Zoning Board of Appeals
Abutters List Request Form**

Applicants should use this form to request a list of abutters from the Melrose Assessors Office.

DATE: _____

TO: Chief Assessor, Melrose Assessors Office
Melrose City Hall, Melrose, MA 02176

RE: Certified List of Abutters for ZBA Application

Dear Chief Assessor,

For the purposes of notification by mail of an application to the ZBA, please prepare a certified list of the abutters and owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, of the property cited below, as they appear on the most recent applicable tax list.

Indicate if any property within 300 feet of the subject address lies within another city or town.

- 1) Provide a printed copy of the Certified Abutters List to the Applicant.
- 2) Send an electronic copy via e-mail to the ZBA Clerk at appeals@cityofmelrose.org .

Thank you.

Applicant's Name: _____

Property Address: _____

Map & Parcel: _____

Home Phone: _____ Work Phone: _____

Notice to Applicant:

The Applicant is responsible for obtaining the printed copy of the certified abutters list from the Assessors Office no more than 45 calendar days prior to the application filing date and submitting two copies along with the completed application form and associated materials. **The City Clerk will not accept ZBA Applications without this information.**

If a list of abutters is required from a neighboring community, use the attached Request Form for a List of Abutters from an Abutting Community and submit two copies of the certified list from the applicable Assessors Office with your ZBA Application.

**City of Melrose
Zoning Board of Appeals
Request Form for a List of Abutters from an Abutting Community**

Applicants should use this form to request a list of abutters from a neighboring community, if applicable. This request is only required if the property address of the subject of the application is within 300 feet of another city or town. The Melrose Assessor's Office will indicate this information to you after they have prepared the list of abutters inside Melrose.

DATE: _____

TO: Assessors Office in (circle one):

Malden Medford Stoneham Saugus Wakefield

RE: Certified List of Abutters for Melrose Zoning ZBA Application

Dear Chief Assessor,

For the purposes of notification by mail of an application to the City of Melrose ZBA, please prepare a certified list of the abutters and owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, of the property cited below, as they appear on the most recent applicable tax list.

Please provide a certified printed copy of the list of abutters and, if possible, send an electronic copy to the email address below. Thank you.

Applicant's Name: _____

Property Address: _____

Map & Parcel: _____

Home Phone: _____ Work Phone: _____

Email Address: _____

Notice to Applicant:

An electronic copy of the abutters list will facilitate the notification process. If you receive an electronic copy of an abutters list from a neighboring community, please forward it to appeals@cityofmelrose.org and reference the address of the property that is the subject of your ZBA Application. If mailing labels are provided, please include them with your application.



BOARD OF APPEALS

CITY HALL, MELROSE, MA 02176

For use by City Clerk
Case No.

Fee received (circle): \$350 or \$500

APPLICATION TO THE BOARD OF APPEALS

INSTRUCTIONS: Applications must be typed or printed. The General Requirements for Application to the Melrose Zoning Board of Appeals(ZBA) must be complied with, and a signed copy of the certification located on the Application Checklist shall accompany the original application filed with the City Clerk.

ASSESSORS MAP & PARCEL Number: _____

OWNERSHIP: (IF JOINT OWNERSHIP, NAME ALL PARTIES)

Name: _____
Address: _____ City/Town/Zip _____
Telephone: _____

Applicant: _____
Address: _____ City/Town/Zip _____
Telephone: _____

If is not owner, check his/her interest in the premises:
Prospective Purchaser ___ Lessee ___ Other (Explain) _____

Representative: _____ Address _____
City/Town/ZIP _____ Telephone _____

(Note: If you are using a Representative to act on your behalf, notices and communication will be sent directly to this individual only.)

APPLICATION IS HEREBY MADE (Fill in appropriate request (s))

- (A) For a variance from the requirements of Article _____, Section _____ of the Zoning Ordinance
- (B) For a Special Permit under Article _____, Section _____ of the Zoning Ordinance
- (C) As a party aggrieved, for review of a decision made by the Building Commissioner or other authority. The decision, stating the grounds thereof, must be attached.

PREMISES AFFECTED ARE: (property that is the subject of the requested relief)

- (1) a) Land and Buildings Numbered _____, on _____ Street (Ave., Rd., Dr...)
- (or)
- b) Vacant Land with frontage on _____ Street(s) (Ave., Rd., Dr...)

AND

- (2) In Zoning District _____ and the premises affected have an area of _____ and frontage of _____ feet.

DEED recorded in Middlesex South Registry District Deeds Book _____ Page _____
OR

CERTIFICATE OF TITLE: Number _____ Book _____ Page _____

MELROSE ZONING BOARD OF APPEALS

APPLICATION CHECKLIST

This application checklist must be completed, signed and submitted with all Zoning Board of Appeals Applications.

Applicant's Name: _____

Mailing Address: _____

Telephone: _____

Application

- 1. **Completed Application Form.** Fifteen (15) Copies.
- 2. **Letter from the Building Commissioner.** Fifteen (15) Copies
- 3. **Certified Plot Plan.** Fifteen (15) Copies
- 4. **Site Plan.** Fifteen (15) Copies
- 5. **Construction Plans** *If applicable*, Fifteen (15) Copies
- 6. **Additional Information.** *If applicable*, Fifteen (15) Copies.

Administrative materials

- 7 **Application Checklist.** Completed and signed (2 Copies)
- 8. **Abutters List.** (2 Copies including 2 copies from an abutting community, if applicable)
- 9. **Advertising Fee Billing Authorization.** (2 Copies)
- 10. **Application Filing Fee.** Check made payable to the "City of Melrose".

By signing below, I certify that I understand and agree to comply with the requirements outlined in the "General Requirements for Application to the Melrose Zoning Board of Appeals," and that the application submitted is complete as per those requirements.

Signature of _____ Date _____