

# **ROWLEY**

## **ZONING BOARD of APPEALS**

### **APPLICANT HEARING APPLICATION**

39 Central Street, PO Box 275,  
Rowley, MA 01969  
Phone: (978) 948-2657  
[zoning@townofrowley.org](mailto:zoning@townofrowley.org)

The ZBA is interested in helping all applicants proceed quickly and easily through the hearing process.

This application packet is designed to help you accomplish that task. If you have any questions at any point, please feel free to contact our office directly for assistance. While not required, the ZBA recommends that all applicants seek proper legal counsel in order to be sure their hearing request, required documents, and representations are accurate and truthful.

**INSTRUCTIONS for APPLICANTS FILING to APPEAR BEFORE  
THE ROWLEY ZONING BOARD of APPEALS**

Please read in its entirety.

*Note: The following instructions apply to parties (i) appealing a decision of the Inspector of Buildings, (ii) seeking a special permit from the Zoning Board of Appeals, or (iii) seeking a variance. Developers filing an application for a comprehensive permit under MGL c40B should refer to the Comprehensive Permit Rules of the Zoning Board of Appeals for instructions and a detailed list of required submissions.*

**Required Submissions:**

- 1. Application:** The Applicant must complete the application attached to these instructions and have it stamped by the Town Clerk. The Applicant must submit one **(1)** original and 7 copies for a total of 8 of the 'stamped' application to the office of the Zoning Board of Appeals. The Applicant should retain a copy of the application and other submissions for himself/herself.
- 2. Certified List of Parties-In-Interest and Assessors Map:** The Applicant must obtain from the Rowley Board of Assessors (located in Town Hall) a certified list of parties-in-interest, including names, mailing addresses, map, block and lot numbers and a copy of the Assessors Map. (\$15 fee) *(and if the property abuts another town, from the Board of Assessors of the other town)* Parties-in-interest are the Applicant, property owner (if other than the Applicant), direct abutters, owners of land directly opposite on any public or private street or way, and abutters within three hundred feet (300') of the property in question.
- 3. Certified Plot Plan (& Construction Plans if new build):** The Applicant must provide to the Zoning Board of Appeals one **(1)** original and 7 copies of a certified plot plan which accurately shows the relevant property line locations, existing building locations and, if any, the proposed alterations to those existing conditions. The plot plan must be certified by a registered civil engineer or registered land surveyor and meet the following requirements:
  - Drawn to a scale of not less than one inch equals one hundred feet (1"=100') but preferably one inch equals forty feet (1"= 40')
  - Shown on sheets of paper not smaller or larger than 11" x 17"
  - Have a directional arrow showing north
  - Shall not be older than one year
  - Shall contain any further details necessary to give a picture of the area in question, for instance frontage, setbacks, building height, access and the like, all existing and proposed buildings and structures, covered areas, parking spaces, driveways, easements, right-of-ways, zoning district lines, fences, ditches, ponds and known surveyors' monuments of bounds to the extent relevant. If in doubt, it is better to be over inclusive in preparing the plot plan. Otherwise, you run the risk of having to provide a revised plot plan if the Board feels the original does not provide sufficient information to allow them to make a decision. **Please supply a 'digital disc' if possible.**
  - If the application is for a proposed building (new build) or an existing building to which changes or additions are proposed, the construction plan must include front, side and rear elevation drawings, show entrances, exits, windows and other pertinent features, both existing and proposed.
- 4. Filing Fee:** The Applicant shall submit to the Zoning Board of Appeals office a non-refundable Filing Fee of two hundred fifty (\$250) dollars. The payment shall be in the form of a check or money order payable to the Town of Rowley. The Filing Fee shall be increased by one (\$1.00) dollar for each additional party (on the parties-in-interest list) in excess of twenty-five (25).

*In the event the Board deems a filed application or plan(s) inadequate for proper understanding of the matter, the Applicant shall be given the opportunity to submit additional information or make revisions. If the Board determines that the application or plans require the review of an engineer, surveyor or other such professional, the Board shall notify the Applicant who shall have the option of paying for the services of the required professional or withdrawing the application, with or without prejudice at the Boards discretion. The Applicant may request that the Board waive certain above required deliveries. The Applicant shall make any such request in writing explaining the reasons why it should be entitled to a waiver. A majority of the Board may vote to grant such a waiver.*

**THIS APPLICATION WILL BE REJECTED OR RETURNED TO YOU IF THE APPLICATION IS INCOMPLETE, IF THE REQUIRED PLANS ARE NOT PROVIDED OR ARE INCOMPLETE, OR IF ANY REQUIREMENTS ABOVE ARE NOT FULLY SATISFIED.** We recommend you have the ZBA office review the application and confirm that it is complete prior to having it stamped by the Town Clerk. *(The Board believes that good decisions are based upon the best and most accurate information available for deliberations. In order to make responsible and informed decisions based upon the most accurate professionally prepared information, the Board may deem an application submittal incomplete if the application is not prepared by a qualified or professionally certified individual (credentials may be requested) or incomplete plans or appendix materials, (i.e., draft form; pages or plan sheets missing; poor reproduction quality) or plans prepared using a scale or format that doesn't adequately or clearly represent the activity or property. Plans and documents should be prepared and presented in a manner easily read or interpreted by the members of the Board).*

### **Requesting the Proper Form of Zoning Relief:**

1. **Special Permit:** If your Application is for a Special Permit, be prepared to present information showing that the benefits of the 'proposed use' *outweigh* any adverse impacts of such 'use.' Focus on the following:
  - The social, economic or community needs that would be served by the proposed use.
  - The impact of the proposed use on public health and safety.
  - The impact of the proposed use on the character and natural environment of the Town
  - The compatibility of proposed structures with the character, scale and design of existing buildings and structures in the neighborhood.
  - The impact of the proposed use on adjacent properties.
2. **Variance:** A variance is an authorization from the Zoning Board of Appeals to do something that exceeds the limits set forth in the Zoning Bylaw — for instance, constructing a building that exceeds the height limitation or building on a lot with less than the required frontage. Before you apply for a variance, the Rowley Zoning Board of Appeals suggests that you familiarize yourself with the requirements of Massachusetts General Law's chapter 40A, section 10. This law states that a Zoning Board of Appeals can grant a variance only if the Applicant demonstrates **ALL** of the following:
  - A substantial hardship, financial or otherwise will be suffered if the variance is not granted.
  - Special conditions affect the land in question as compared to other properties within the zoning district.
  - The special conditions relate to the soil conditions, shape or topography of the land or structures.
  - Granting the variance will not cause substantial detriment to the public good.
  - Granting the variance will not nullify or substantially derogate from the intent or purpose of the zoning bylaw.

*Massachusetts courts have stated that a variance is a disfavored form of relief and should be granted sparingly — accordingly, it is generally advisable for an Applicant to seek a Special Permit instead of a Variance where possible. If any of the above requirements are not satisfied, the Board must deny the request for a variance. If all are satisfied, granting the variance is at the Board's discretion. Please note, the Zoning Bylaw of the Town of Rowley does not authorize the Zoning Board of Appeals to grant use variances. An Application seeking a use variance will not be accepted.*
3. **Party Aggrieved:** The Application must include the Inspector of Buildings decision (document) and evidence supporting your claim. This can take the form of written statements, photos, cites to legal cases, plans, studies, reports or any other relevant materials.

### **Hearings/Decisions of the Board:**

1. Hearings of the Zoning Board of Appeals are typically (but not always) held on the third Wednesday of each month at the Town Hall Annex at 39 Central Street starting at 7pm. Notices stating the specific date and time of your hearing will be published in a newspaper of general circulation, posted in the Town Hall, mailed to the Applicant and all parties-in-interest.
2. Applicants should be aware that the minimum timeframe for an approved application before the ZBA is approx. 90 days. This includes the Public Hearing, the draft Decision, and the 20 day appeal period. The process may take longer than 90 days, but not longer than the time limits authorized by MGL c.40A.
3. The Applicant or his/her representative must appear and present their Application at the public hearing. The Applicant may present supplemental materials, plans, studies, petitions, expert witnesses or other materials in support of the Application. Other interested parties in favor or opposed may do the same. The scope and time allocated to presentations, comments and supplemental materials shall be determined by the Chairman of the Zoning Board of Appeals.
4. Decisions made by the Board are filed with the Town Clerk after being written, approved, voted, and signed by all required Board members. Once filed with the Town Clerk, a copy of the 'Decision' is mailed to the Applicant and Parties-in-Interest. The twenty (20) day appeal period begins on the date that the Decision is filed with the Town Clerk.
5. **The Applicant shall be responsible for recording the Decision with accompanying plans at the Essex Registry of Deeds in Salem (South District). No variance or special permit shall take effect until the 'Decision' is recorded at said Registry and a copy of recorded Decision (or Registry Certificate) is delivered to the Zoning Board of Appeals and the Inspector of Buildings. (MGL c.40A §11)**

If you have any questions regarding these instructions, stop by the ZBA office in the Town Hall Annex building located at 39 Central Street during office hours or call 978.948.2657.

*The Board of Appeals shall have and exercise all the powers granted by MGL c.40A, c.40B and c.41 and by town bylaw, including the power to hear and decide applications for special permits upon which the Board is empowered to act under the bylaw; to hear and decide petitions for variances; to hear and decide appeals from any aggrieved person, officer or Board of the Town.*

# APPLICATION to the ROWLEY BOARD OF APPEALS

case no. \_\_\_\_\_

Premises are land and/or building(s) located at: \_\_\_\_\_

- **Applicant(s):** \_\_\_\_\_  
Please Print

Mailing Address: \_\_\_\_\_

Telephone no: \_\_\_\_\_ Cell no: \_\_\_\_\_ Email: \_\_\_\_\_

- **Ownership:**

Name and address of **Owner if not Applicant** (if joint ownership, give all names): **Please Print & Sign at Bottom of Page**

Check interest in the premises: Prospective Purchaser \_\_\_\_\_ Lessee \_\_\_\_\_ Other \_\_\_\_\_

- **Application is hereby made:** (check all that apply)

- ☐ For a Special Permit from the requirements of Section(s) # \_\_\_\_\_ of the Rowley Protective Zoning Bylaw.
- ☐ As a party aggrieved for review of a decision made by the Inspector of Buildings. (attach decision)
- ☐ For a Comprehensive Permit under MGL c.40B for \_\_\_\_\_ (# rental/ownership (circle one) units).
- ☐ For a Variance from the requirements of MGL c.40A §10 & RPZB sec 7.1.2.

Rowley Assessor's map no. \_\_\_\_\_ block no. \_\_\_\_\_ lot no. \_\_\_\_\_

Premises are in Zoning District (check one): Central ☐ Residential ☐ Outlying ☐ Retail ☐  
Coastal Conservation ☐ Business/Light Industrial ☐

Premises are in Overlay District (check one): None ☐ Municipal Water Supply ☐ Flood Plain/Watershed ☐

Deed is recorded in the Essex Registry of Deeds (South District) in Bk \_\_\_\_\_ Pg \_\_\_\_\_ -OR-

Deed is filed with the Essex Registry District of the Land Court as Document # \_\_\_\_\_ Bk \_\_\_\_\_ Pg \_\_\_\_\_

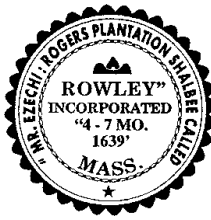
- **Description of the proposed work and/or use:** \_\_\_\_\_

(use additional sheet if necessary)

- **The reason(s) for this application is:** \_\_\_\_\_

(use additional sheet if necessary)

\_\_\_\_\_  
Date Signature of Applicant Signature of Owner



## Town of Rowley

### Permit, Variance, Appeal Clearance Form

Prior to the issuance of any Permit, Variance or an Appeal, the **Applicant** must obtain sign-offs from the town departments below:

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

Owner's Name, Address, & Signature: if **not** Applicant: \_\_\_\_\_

\_\_\_\_\_

ZBA Application for: \_\_\_\_\_

\_\_\_\_\_

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

Assessors' Map no. \_\_\_\_\_ Block no. \_\_\_\_\_ Lot no. \_\_\_\_\_

Treasurers Department: \_\_\_\_\_ Date \_\_\_\_\_

Town Hall, 139 Main Street

Light Department: \_\_\_\_\_ Date \_\_\_\_\_

47 Summer Street

Water Department: \_\_\_\_\_ Date \_\_\_\_\_

401 Central Street

Private Well? \_\_\_\_\_

**COMPREHENSIVE PERMIT  
PROJECT PROFORMA DATA**

**I. DEVELOPMENT COSTS**

PER UNIT

TOTAL

(a) SITE ACQUISITION COST

(b) CONSTRUCTION COSTS

Site Development

Site Preparation

Roads &amp; Utilities

Off-Site Costs

Common Amenities

Building &amp; Grounds

Residential Buildings

Landscaping &amp; Site Improvements

Contingency @ 5.0%

(c) TOTAL CONSTRUCTION COSTS

(d) OTHER DEVELOPMENT COSTS

Fees

Permits &amp; Surveys

Architecture &amp; Engineering

Legal &amp; Accounting

Clerk-of-the Works

Financing Fees

Carry Costs

Construction Loan Interest

Real Estate Taxes

Insurance

Marketing

Development Overhead

(e) TOTAL OTHER DEVELOPMENT COSTS

(f) TOTAL DEVELOPMENT COSTS (a+c+e)

**II. PROJECTED REVENUES – HOP PROJECT**

ESTIMATED

SALES PRICES

NO OF  
UNITS

PRICE

PER UNIT

TOTAL

REVENUE

PHA Units

HOP Units

MHFA Units

Market Units

TOTAL SALES PRICE

PROFIT

**III. PROJECTED REVENUES – RENTAL INCOME**Low/Mod UnitsType of  
UnitNo of  
UnitsSize of  
UnitsMonthly  
RentalEstimated  
Total  
Rent

0 BR

1 BR

2 BR

3 BR

4 BR

Market UnitsType of  
UnitNo of  
UnitsSize of  
UnitsMonthly  
RentalEstimated  
Total  
Rent

0 BR

1 BR

2 BR

3 BR

4 BR

**IV. OTHER INCOME**

Monthly

Annual

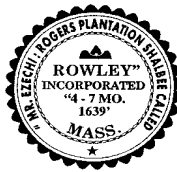
Commercial Income

Parking Income

Other Income (Specify)

SUBSIDY (Specify)

Total Income (a+b+c)



**Zoning Board of Appeals**  
**Declaration of Covenants**  
**In-Law Apartment Special Permit/Decision**

It is a condition to the validity of the Special Permit that the Applicant(s) sign this form. The validity of the Special Permit is further conditioned upon:

1. The Applicant recording the Board's Decision with this form attached thereto in the Essex South Registry of Deeds in or within 30 days after the appeal period of 20 days with instructions that the Applicant's title deed be marginally referenced to the Decision and,
2. The Applicant must return to the Board of Appeals a copy of the Decision and this Declaration of Covenants bearing the stamp of the Registry evidencing such recording thereto.

**DECLARATION OF COVENANTS FOR:**

\_\_\_\_\_ Rowley, MA 01969  
(street address)

I/We, \_\_\_\_\_, the owner(s) and occupants of a single family residence located at the above address in Rowley, MA, as shown on the Town of Rowley Assessors Map # \_\_\_\_\_ Lot # \_\_\_\_\_ and recorded with the Essex South Registry of Deeds at Book # \_\_\_\_\_ Pg # \_\_\_\_\_ hereby covenant with the Board of Selectmen of the Town of Rowley as follows:

We have requested and been granted a Special Permit in accordance with Section 6.6 of the Rowley Protective Zoning Bylaws to construct one Accessory In-Law Apartment in the \_\_\_\_\_ District, the original of which Decision is recorded herewith and made a part hereof.

The Apartment will be contained in a structure constructed in accordance with plans attached to an Application for a Special Permit submitted to the Rowley Board of Appeals on \_\_\_\_\_.

During our ownership of the premises, the occupant (s) of the Apartment will be legal relative(s) of our respective families, in accordance with Section 6.6.1.2 of the Rowley Protective Zoning Bylaws.

The Special Permit for an Accessory In-Law Apartment shall terminate upon a transfer of ownership of the subject premises, or upon the undersigned's termination of his/her use of the subject premises as a primary residence.

The new owner(s) of the premises shall be required to apply to the Board of Appeals for a Special Permit to continue to use the Apartment as an Accessory In-Law Apartment. The new owner(s) must demonstrate compliance with Section 6.6.1.2 of the Zoning Bylaws.

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

Applicant Name(s) \_\_\_\_\_

Applicant Signature(s) \_\_\_\_\_