

## Application Checklist

- ☐ Completed Petition Form, issued automatically by the online application system, stamped by the City Clerk's Office.
- ☐ Statement of Hardship (for a variance) or Statement of Grounds (for a special permit).
- ☐ Plans and elevations, as described in the Notice to Applicants.
  - If expanding the footprint of an existing building or applying for new construction:*
    - Certified plot plan, to scale.
  - If seeking relief for building height:*
    - Streetscape rendering, to scale.
- ☐ Signed Salem News Form.
- ☐ Application fees (per fee schedule).
  - Application Filing Fee (credit card, or check to City of Salem)
  - Registry of Deeds (check to Southern Essex Registry of Deeds)
  - Certified Copy Fee (check to City of Salem)
- ☐ Signature of property owner on the Petition Form or consent letter from property owner.
- ☐ Previous applications to the Board of Appeals involving this property.

## Notice to Applicant

Dear Petitioner:

The Board of Appeals meets monthly on the third Wednesday of the month. Applications must be submitted at least three weeks prior to the monthly meeting. Petitions will be accepted each month on a first come, first served basis. Once the monthly meeting agenda is full, petitions will be carried over to the following month's meeting.

The City of Salem is now using an online system for permit applications. This new system will streamline the application process for both the applicants and City staff.

Applicants can fill out the Zoning Board of Appeals applications at a time and location of their convenience; payment by credit card or check is securely integrated into the process via Stripe. An e-mail address is required to access this system.

Please navigate to <https://salemma.viewpointcloud.com/categories/1087/record-types/6497> to access the Zoning Board of Appeals application. A sample of the online application form is provided below for reference.

Applications must contain **EACH** of the following elements at the time of submittal:

### Submission Requirements

#### **I. Petition Form**

Every application for action by the Board shall be made on the Board's current Petition Form. The Petition Form must be filled out completely and all information requested on the form must be supplied by the applicant. The online system for applications will guide you through the process of drafting a complete Petition Form. If you need assistance contact one of the City staff listed below.

Once you fill in all your project details in the online form, the system will automatically produce a filled-out Petition Form for your project. Bring two copies of this filled-out Petition Form to the City Clerk to be stamped. The City Clerk is located on the first floor of City Hall 93 Washington Street, Salem, MA. The Clerk's Office will take the original application; please scan the remaining stamped copy and upload it to your online application as an attachment.

#### **2. Plans**

All applications relative to construction or exterior alteration must include exterior design plans, drawn to scale, with the scale indicated. Exterior elevations must indicate dimensions

*Questions about the preparation of your application should be directed to Daniel Laroe, Staff Planner (978-619-5685) or Voula Orfanos, Building Commissioner (978-619-5641), City Hall Annex, 98 Washington Street, 2<sup>nd</sup> Floor, Salem, MA 01970.*

and include all sides affected by the proposal. Exposed foundations should also be depicted on elevations. These plans must be uploaded to the online application as attachments.

All applications seeking relief for building height must include a streetscape rendering, to scale, showing the proposed building, the building to its left, and the building to its right. Such a rendering may use photos and/or architectural illustrations, but must be to scale. The streetscape rendering requirement may be waived by the Zoning Enforcement Officer.

A certified plot plan is required for all new construction and any construction to existing structures where the proposed work would affect the structure's footprint. Mortgage plans may be submitted in the place of certified plot plans for existing one- and two-family structures when the exterior alterations are within two feet or less from a property line.

A certified plot plan must be stamped and dated by a registered engineer or land surveyor. The following items must be included:

- a) If petitioner seeks dimensional variances, plans must include a chart showing how the proposal falls short of the Ordinance's requirements.
- b) Plans must show all existing features of the property relevant to the proposed project, including without limitation, proposed HVAC locations, any easements, water, sewer and gas lines, underground electrical lines, paper streets, conservation areas, wetlands or waterways, hazardous waste disposal sites or historical sites.
- c) If off-street parking is required by the Ordinance, plans must show the layout and number of parking spaces set aside for the proposed use. Proposed parking layouts must include access ways and buffer zones.

### 3. Application Fees

See the attached Fee Schedule.

### Application Procedure

#### **Procedure for Hearings and Recording Decisions at the Registry of Deeds**

Upon submission of your application, materials and fees, you will be told the date of your hearing. You (the property owner) or your representative must attend the hearing. If you are being represented by anyone other than an attorney, you must submit a signed statement authorizing the representative to act on your behalf and submit it to the Department of Planning and Community Development.

Please note that **any supplemental information** provided after the submission of a complete application must be submitted to the Department of Planning and Community Development **at least one (1) week in advance of the next meeting** to allow staff time to review the submittal and forward information to the Board for their review.

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Please note that a copy of **any additional material you present at the hearing** that is not included in the application must be submitted to the Board for the official record **no later than one (1) week after the hearing** by e-mail to planning staff.

Two weeks after the Board of Appeals issues a decision, the Department of Planning and Community Development will file your decision with the City Clerk and send you a copy. The decision can be appealed within 20 days of its filing with the Clerk's Office. Once the appeal period is over, if the decision is not appealed, the Building Department will have the decision certified at the Clerk's Office, confirming that 20 days have passed without an appeal, and then send it to the South Essex Registry of Deeds (Registry). The fees you paid at the time you submitted your application cover the cost of certifying the decision and recording it at the Registry. The Registry will notify you by mail when your decision has been recorded. You do not need to certify the letter or record it at the Registry yourself.

## Fee Schedule

### 1. Application Filing Fee

This Fee can be paid by **credit card** as part of the online application, or by **check made payable to The City of Salem**. This fee will be automatically calculated by the online application system.

Special Permit or Variance:

Residential One- or Two-Family: \$150.00

Residential Multifamily: \$250.00

Commercial: \$250.00

Administrative Appeal: \$200.00

### 2. Registry of Deeds

All applications require submittal of a **\$105.00 check made payable to the Southern Essex Registry of Deeds** for recording the decision.

### 3. Certified Copy

All applications require submittal of a **\$2.00 check made payable to the City of Salem** to obtain a certified copy of the decision from the City Clerk.

### 4. Notice of Public Hearing

Notice of the public hearing for the application(s) will be printed in The Salem News. The Salem News requires payment to run your legal advertisement.

**You may pay the Salem News either by credit card or by a \$540.00 deposit paid by check.**

Please complete and sign the Salem News Request for Legal Notice form, then upload it as an attachment to your online application. **The signed Request for Legal Notice form and, if paying by check, the \$540.00 check made payable to The Salem News are due at the time the application is made.**

## 2024 Zoning Board of Appeals Meeting Schedule

In accordance with Chapter 2 of the Acts of 2023, all meetings of the City of Salem Zoning Board of Appeals will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend these meetings can be found on the city's website, at **www.salem.com**. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the city's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Submittals must be in by **12:00 noon** on the submittal deadline date shown. **Incomplete applications will not be accepted.**

Applications will be accepted each month on a first come, first served basis. Once the monthly meeting agenda is full, petitions will be carried over to the following month's meeting. Petitioners are encouraged to submit their applications as early as possible.

Submittal Deadline 12:00 noon <i>21 days prior*</i>	Meeting Date
December 27, 2023	January 17, 2024
January 24, 2024	February 14, 2024
February 28, 2024	March 20, 2024
March 27, 2024	April 17, 2024
April 24, 2024	May 15, 2024
May 22, 2024	June 12, 2024
June 26, 2024	July 17, 2024
July 31, 2024	August 21, 2024
August 28, 2024	September 18, 2024
September 25, 2024	October 16, 2024
October 30, 2024	November 20, 2024
November 27, 2024	December 18, 2024
December 24, 2024	January 15, 2025

\*Except to account for holidays

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Kimberly Driscoll  
Mayor

CITY OF SALEM, MASSACHUSETTS  
BOARD OF APPEALS  
98 WASHINGTON STREET, 2ND FLOOR  
SALEM, MASSACHUSETTS 01970

Thomas St. Pierre, Director of Inspectional Services  
Phone: 978-619-5641

Lev McCarthy, Staff Planner  
Phone: 978-619-5685

## Zoning Board of Appeals Application

Application ID: \_\_\_\_\_

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

TO THE BOARD OF APPEALS:

The Undersigned represent(s) that they are the owner(s) of a certain parcel of land located at:

Address: \_\_\_\_\_ Zoning District: \_\_\_\_\_

An application is being submitted to the Board of Appeals for the following reason(s):

For this reason, I am requesting:

☐ **Variance (s)** from provisions of Section \_\_\_\_\_ of the Zoning Ordinance, specifically from \_\_\_\_\_ (eg. *minimum depth of rear yard*).

What is allowed is \_\_\_\_\_ (ft? sq ft? stories? %?), and what I am proposing is \_\_\_\_\_ (ft? sq ft? stories? %?).

☐ **A Special Permit** under Section \_\_\_\_\_ of the Zoning Ordinance in order to \_\_\_\_\_

☐ **Appealing a Decision of the Building Inspector** (describe): \_\_\_\_\_

☐ **Comprehensive Permit** for construction of low or moderate income housing (describe): \_\_\_\_\_

Current Property Use: \_\_\_\_\_ (e.g. *Two-Family Home*) Are Lot Dimensions Included: \_\_\_\_\_ (yes / no)

**Statement of Hardship (for Variances):**

For all Variance requests a written Statement of Hardship demonstrating the following must be attached:

- Special conditions and circumstances that especially affect the land, building, or structure involved, generally not affecting other lands, buildings, and structures in the same district;
- Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant; and
- Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

**Statement of Grounds (for Special Permits):**

For all Special Permit requests a Statement of Grounds must be attached. An application for a special permit for a nonconforming use or structure shall include a statement demonstrating how the proposed change shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood in accordance with Section 9.4 Special Permits. Such a statement should include reference to the following criteria:

- a) Social, economic, or community needs served by the proposal;
- b) Traffic flow and safety, including parking and loading;
- c) Adequacy of utilities and other public services;
- d) Impacts on the natural environment, including drainage;
- e) Neighborhood character; and
- f) Potential fiscal impact, including impact on City tax base and employment.

The Undersigned hereby petitions the Board of Appeals to vary the terms of the Salem Zoning Ordinance and allow the project to be constructed as per the plans submitted, as the enforcement of said Zoning By-Laws would involve practical difficulty or unnecessary hardship to the Undersigned and relief may be granted without substantially derogating from the intent and purpose of the Zoning Ordinance.

**Petitioner:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

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

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

*If different from petitioner*

**Property Owner:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

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

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

*If different from petitioner*

**Representative:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_  
**Signature:** \_\_\_\_\_  
**Date:** \_\_\_\_\_