Town of Lexington, Massachusetts

OFFICE OF SELECTMEN

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Checklist for Special Permit Application Under the Noise By-law

Items needed from applicant

- Application - filled out completely (1 original and 11 copies)
  - Plot Plan - certification not required
  - Property owner's written consent (if other than applicant)
  - Certified Abutters List from assessors office (along with the certified abutters list the applicant needs to submit 2 sets of mailing labels for all abutters on the list in the order that the list was generated.)
  - Signed authorization permitting direct invoicing to the applicant for the cost of publication of hearing notification in newspaper
  - Letters of support from abutters (not mandatory)
- A check made out to the Town of Lexington for the fee that is appropriate for the requested hearing

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e-mail selectmen@ci.lexington.ma.us

RULES AND REGULATIONS FOR APPLICATION FOR A SPECIAL PERMIT UNDER THE NOISE BY-LAW

Section 1 - APPLICATION FORM

Every application for a special permit or renewal of a Special Permit under the Noise By-Law shall be submitted to the Board of Selectmen on an official form. These forms shall be furnished by the Selectmen's Office upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form. All the required information shall be furnished by the applicant in the manner prescribed herein.

Section 2 - FILING PROCEDURE

Application for a special permit or renewal of a special permit: One (1) original and eleven (11) copies shall be filed with the Board of Selectmen.

Prior to filing with the Selectmen's Office, all applications for special permits should first be reviewed by the Clerk of the Board of Selectmen to assure compliance with the law and these filing Regulations of the Board.

Section 3 - PLOT PLAN TO ACCOMPANY PETITION

The applicant shall submit a plan of the property referenced within the application for the Special Permit or the renewal thereof, indicating the location of the noise source within the said property including height from the ground and distance from the lot lines. The plot plan shall identify the zoning classifications of the applicant's property and of neighboring properties. If the Special Permit is requested for multiple noise sources, then the location of each source must be specified separately on the plan. The plot plan does not need to be certified.

The size of the plan shall be no smaller than 8.5"x11", nor larger than 11"x17" drawn to scale; it shall have a north point, names of streets, zoning districts, names of owners of adjoining properties, property lines and location of buildings on adjacent properties. The location(s) or area where noise will be generated and for which the permit is being requested and distances from adjacent buildings and property lines should be verified in the field and shown on the plan.

Section 4 - FINANCIAL HARDSHIP

The applicant shall file a detailed explanation of how the cost of compliance with the Noise By-law, without the relief requested in the Special Permit, will cause the applicant excessive financial hardship.

Section 5 - PROPOSED NOISE IMPACTS

The applicant shall describe in detail the reason(s) for seeking the Special Permit or renewal of the Special Permit, the expected deviations from the permitted noise standards, the frequency of operations, the hours of the day and the season involved.

The applicant shall file a detailed explanation of what noise impacts (for example, noise level and duration) can be expected by the abutters, in excess of those permitted by the Noise By-law, if the application for Special Permit were granted. Deviations in excess of the described conditions can result in revocation of any permit issued.

Section 6 – NOTIFICATION OF ABUTTERS

Notification shall be sent by the Selectmen's office to all property owners located within 300 ft from the property containing the noise source. A certified abutters' list shall be prepared by the assessors' office. Notification by publication shall also be sent by the Town to a newspaper of general circulation in Lexington once in each of two successive weeks preceding the hearing. The cost of the preparation of the list and of the newspaper notification shall be borne by the applicant. The applicant shall complete a form authorizing the newspaper to invoice the applicant for the cost of publication.

Section 7 - FEES

All applications shall be accompanied by a check, payable to the Town of Lexington, for the filing fee as determined by the Board of Selectmen. Filing fees are non-refundable.

TOWN OF LEXINGTON BOARD OF SELECTMEN

APPLICATION FOR SPECIAL PERMIT UNDER THE NOISE BY-LAW

This application must be completed, signed and submitted with the filing fee by the applicant or his/her representative in accordance with the Rules and Regulations For the Application For Special Permit Under the Noise By-law (see other side of this application). The applicant is advised to review the Lexington By-law prior to filing this application.

Location of Property (street and number) :_____

Name and Address of Applicant _____

_____

Tel. No. _____

Applicant is: Owner___ Tenant ___Agent/Attorney ___Prospective Purchaser___

Property Owner's Name/Address (if not applicant): _____

_____

Tel. No. _____

Date Deed recorded: _____Middlesex So. Registry of Deeds: Book ____Page ___

Characteristics of property: Lot Area _____ Actual Lot Frontage _____

Lexington Assessors' Map No._____ Lot No. _____ Zoning District_____

Permitted Use:

_____

Present use:

_____

Application is for:

_____ A special permit in accordance with Noise By-law

_____ Renewal of a special permit in accordance with Noise By-law

Required Attachments:

a) Attach a detailed description of the noise generating activity. Describe in detail the reason(s) for seeking the Special Permit or renewal of the Special Permit, the expected deviations from the permitted noise standards and the frequency of operations generating the noise in excess of allowed standards under the Noise By-law, including the hours of the day, the days of the week and the season of the noise generating activity.

b) Attach a description of and quantify the expected impacts on the abutters, if the application were granted.

c) Attach an explanation of the financial hardship, if the application were not granted.

d) Attach property owner's written consent (if other than applicant).

e) Plot Plan.

f) Certified abutters list.

g) Letters of support from abutters (not mandatory).

APPLICANT OR REPRESENTATIVE MUST ATTEND THE PUBLIC HEARING.

Signature of Applicant (or representative)_____

Address if not applicant_____

Telephone number where applicant may be reached during the day_____

Schedule of Filing Fees:

Filing fees shall be set by the Board of Selectmen.

	Residential	Non-residential
Special Permit	$_____	$_____
Renewal	$_____	$_____

Town of Lexington
Board of Selectmen

Hank Manz, Chairman
Peter C. J. Kelley
Norman P. Cohen
George A. Burnell
Deborah N. Mauger

Tel: (781) 862-0500 x208
Fax: (781) 863-9468

DATE: _____

TO: BEACON COMMUNICATIONS
LEGAL NOTICE DEPARTMENT

I HEREBY AUTHORIZE Beacon Communications to bill me directly for the legal notice published twice in the Lexington Minuteman for a public hearing with the Lexington Board of Selectmen regarding property at

_____.

SIGNATURE: _____

Please print where to send the bill to:

Name: _____

Street Address: _____

City/Town: _____

State: _____ Zip Code_____

Day-time Telephone Number _____

TOWN OF LEXINGTON

BOARD OF ASSESSORS

REQUEST FOR CERTIFIED ABUTTERS LIST

PROPERTY LOCATION:		
Map #	Lot #	Unit #
DEPARTMENT/PERSON/COMPANY REQUESTING LIST		
Address		Phone #
DATE		
COST:	PAID:	
Please refer to street listing to acquire Map/Lot/Unit Numbers		

Map	Lot	Unit	Map	Lot	Unit	Map	Lot	Unit

TOTAL NUMBER OF PARCELS LISTED:___

12/28/06