**APPEAL TO THE PERMIT GRANTING AUTHORITY**

**TOWN OF ARLINGTON**

“An appeal to the permit granting authority as the zoning ordinance or by-law may provide, may be taken by any person aggrieved by reason of his [or her] inability to obtain a permit or enforcement action from any administrative officer under the provisions of [Chapter 40A], … in violation of any provision of this chapter or any ordinance or by-law adopted thereunder.” MGL Ch. 40A, Se. 8

Any appeal must be filed within thirty (30) days from the date of the order or decision which is being appealed. The petitioner shall first file a copy of this application with the Town Clerk, and second, file a copy of the application certified by the Town Clerk with both the office or officer being appealed and the administrator of the Zoning Board of Appeals. The office or officer shall then transmit to the Board all documents and papers constituting the record of the case in which the appeal is taken.

This application for appeal is filed by

to the Zoning Board of Appeals for the Town of Arlington in response to an action undertaken by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

This Appeal is herewith made, in accordance with Section 3.2.2.A of the Zoning Bylaw of the Town of Arlington, Massachusetts and MGL Ch. 40A, Sect. 8, seeking relief from the following specific *inability to obtain a permit or enforcement action*:

E-Mail: Signed: Date:

Telephone: Address:

**Appeal Procedure:** Per MGL Ch. 40A, Sect. 15, a specific procedure and timeline must be followed when filing an appeal:

1. Any appeal to the Board from the order or decision of the Building Inspector in regards to the enforcement or administration of the Zoning Bylaw must be filed within thirty (30) days of the date of such order or decision. A copy of the order or decision must be included with the application at the time of its filing.
2. The Application and the copy of the order or decision must be filed with the Town Clerk. The Application must be certified with the date and time of filing by the Town Clerk.
3. A copy of the certified Application must be filed with Inspectional Services and with the Administrator of the Zoning Board of Appeals.
4. At the request of the Board, the Appellant and Inspectional Services shall provide a copy of all relevant documents to the Zoning Board of Appeals within fourteen (14) days of the filing of the Application. The Board requests to be notified of any relevant documents which are delayed and will be filed after the expiration of fourteen (14) days.
5. The Board shall open a public hearing with sixty-five (65) days from the receipt of the certified Application. The Administrator of the Board shall cause notice of the hearing to be published and sent to parties of interest.
6. The decision of the Board shall be made within one hundred (100) day after the date of the filing of the Application. This time period may be extended by written agreement of both the Appellant and the Board. Such extension must be filed with the Town Clerk.
7. The decision of the Board shall be filed with the Town Clerk within fourteen (14) days. Notice of the decision shall be mailed to the Appellant, the Inspectional Services Department, and parties of interest.
8. Appeals to the decision of the Board shall be filed within twenty (20) days after the filing of the decision with the Town Clerk.
9. Failure by the Board to act within one hundred (100) days or extended time, if applicable, shall be deemed to be the grant of the Appeal. The Appellant who seeks such approval shall notify the Town Clerk, in writing, within fourteen (14) days from the expiration of the hearing period, of such approval and that notice has been sent by the Appellant to parties in interest. The petitioner shall mail notice to parties in interest and shall specify that appeals, if any, shall be made pursuant to MGL Ch. 40A, Sect. 17 and shall be filed within twenty (20) days after the date the Town Clerk received written notice from the Appellant that the Board failed to act within the time prescribed.
10. After the expiration of twenty (20) days without notice of appeal, or if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, Town Clerk shall issue a certificate stating the date of approval, the fact that the board failed to take final action, and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the Appellant.