

# FORM A4: APPEALS

## FORM A4: APPEALS UNDER MGL CH.40A, SECTION 15

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### Town of Middleton Zoning Board of Appeals

**This form must be submitted with the application for each APPEAL requested by a petitioner.**

Notice of appeal of a Building Inspector's decision or order must be filed with the Town Clerk's office by the applicant or applicant's representative within (30) thirty days after the decision or order is filed by the Building Inspector. The Building Inspector's decisions and/or orders are filed in his or her office.

The Applicant carries the legal burden to make a true and complete presentation of the case, to offer evidence on each of the pertinent legal requirements, and to provide all the relevant facts and documents necessary to a fair presentation of the issues for decision by the Board. Any false statement to the Board and any failure to state a material fact gives the Board legal grounds to revoke any favorable action it has taken on the application, whether the Board explicitly reserves the right to modify or amend its action. Opponents are under a similar legal duty to present their cases truthfully and completely. Under MGL Ch. 40A, Section 15, the Board has the power to subpoena witnesses, take sworn testimony, and compel production of documents.

All appeals must be filed by the applicant with the Town Clerk along with the appropriate fee for administrative costs, as well as deliver copies of the appeal to the officer or board whose order or decision is being appealed, and to the permit granting authority via the online permitting portal.

- The Applicant is solely responsible for filing the ZBA Application online via the Town's permitting portal and delivering two hard copies of the application to the Planning Office and for submitting a Certified list from the Assessor's office of abutters within (300) three hundred feet of the property at issue. See ZBA Rules for required abutters materials according to Section 260-4.B.1.f of the ZBA Rules. Notification to these abutters will be prepared and mailed by the ZBA Office.
- ZBA Office is responsible for sending the legal advertisement to the newspapers to be published twice in consecutive weeks. The applicant is responsible for the cost of the legal advertisement.

#### Application Withdrawal

Any application for an administrative appeal which has been submitted to the Board may be withdrawn without prejudice by the applicant prior to the publication of the notice of a public hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the Board.

Please sign the statement below.

*I have read the above requirements for submitting an Appeal under [MGL Chapter 40A, Section 15](#)*

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_