



CITY OF AMESBURY
AMESBURY ZONING BOARD OF APPEALS

SEPARATE LOT PROTECTION (*GRANDFATHERED LOT*) DETERMINATION APPLICATION

To determine if a lot qualifies for separate lot protection found in Chapter 40A, Section 6 of the Massachusetts General Laws, look for the following:

1. Does the lot have at least 5,000 sq. ft. and 50 ft. of frontage?
2. Is the lot located in an area zoned for single or two-family use?
3. Did the lot conform to existing zoning when legally created?
4. Does the most recent instrument of record prior to the effective date of the zoning change from which the exemption is sought show that the lot was separately owned?
5. When conveyed after the zoning change, has the lot retained its separate identity by continually being described as a separate and distinct lot?
6. Has the lot been a separate lot and not available for use in connection with adjoining land on the effective date of any zoning requirement which made the lot substandard or more substandard?

If the answer is YES to all of the above questions, then a lot may be entitled to separate lot protection.

Request for Determination

This **Request for Determination** must be accompanied by the following documentation to see if your lot qualifies for Separate Lot Protection. Filing of a **Request for Determination** is **NOT** part of the **Building Permit** application review process and as such, shall **NOT** affect time sensitive building permit applications.

1. ____ A copy of the **Plan of Land** (the original plan of subdivision) highlighting the lot(s) in question.
2. ____ A copy of the **plate and parcel map** (original number issued from the Registry of Deeds) showing not only the property in question, but the abutting (everything that touches the lot other than a point) properties as well. Highlight the lot(s) in question.
3. ____ Copies of the Deed(s) of the **property in question** from the present time to the last Instrument of Record (Deed) prior to April 12, 1971. Highlight who sells to whom, the lot(s) in question, the previous Deed reference and when the lot(s) were recorded.

4. ____ Copies of the Deed(s) of the **abutting properties** from the present time to the last Instrument of Record (Deed) prior to April 12, 1971. Highlight who sells to whom, the lot(s) in question, the previous deed reference and when the lot(s) were recorded. *Documentation must be complete from beginning to end for each property.*
5. ____ Any other **necessary documentation** in support of the above.
6. ____ Make a **cover sheet** for the lot in question and each lot abutting the property, listing all owners past & present, the date and their Deed reference.
7. ____ **A letter from an attorney**, signed under the penalties of perjury that the attorney has reviewed the required information, including the Essex County Registry of Deeds, and that in his/her professional opinion, the lot(s) are protected under M.G.L. Ch. 40A, Section 6, first or second sentence of the adjoining lots. A reasonable detailed and concise explanation must be provided substantiating the Attorney' s opinion.
8. ____ If party requesting the determination is not the property owner, written consent from the property owner(s) must accompany submission.

NOTE: The Request for Determination Package becomes the property of the Amesbury Building Department regardless of approval or denial. Applicant is to initial each item above verifying package completion. Failure to provide required information shall result in no determination and the package returned incomplete. All submissions shall be legible with no portions obscured or hidden by paper correction fluid (any such presentation shall be cause for rejection).

You have the right to appeal the results pursuant to M.G.L. Ch. 40A, Section 8 and 15, to the Amesbury Board of Appeals provided such an appeal is taken within thirty (30) days from the receipt of determination.

<p>Questions regarding this application can be answered by contacting Denis Nadeau, Bldg. Commissioner / Zoning Compliance Officer at 388-8129.</p>
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