



OFFICE OF  
**BOARD OF APPEALS**  
 OF THE TOWN OF  
 BELCHERTOWN, MA 01007

**ZONING BOARD OF APPEALS**  
**INSTRUCTION/CHECKLIST/PETITION**

**RESPONSIBILITY RESTS WITH THE APPLICANT TO SUBMIT A COMPLETE APPLICATION. ANY INCOMPLETE APPLICATIONS WILL BE DENIED.**

A COPY OF THE ZONING BY-LAWS ARE FILED WITH THE TOWN CLERK AND OFFICE OF INSPECTION SERVICES. THEY CAN ALSO BE FOUND ON-LINE AT <http://www.ecode360.com/9051002> IT IS THE APPLICANTS RESPONSIBILITY TO FAMILIARIZE HIM/HERSELF WITH THESE RULES AND ZONING BY-LAWS PRIOR TO THE PUBLIC HEARING.

**SUBMIT A COMPLETED APPLICATION**

The Applicant (Petitioner) submits a complete Petition/Application by completing the Submittal Requirement Checklist. Submit the original application with *twelve copies of all documents* with the Town Clerk and a check made out to the Town of Belchertown.

<i>Special Permit</i>	<i>\$ 150.00</i>
<i>Variance</i>	<i>\$ 150.00</i>
<i>Appeal</i>	<i>\$ 150.00</i>

**NOTICE OF PUBLIC HEARING**

The ZBA places the petitioner on the Agenda for their next meeting following the placement of a legal notice in the newspaper to run for two consecutive weeks prior to meeting, notifying abutters, and copying other Town Boards with application for their review and comments.

**PUBLIC HEARING**

ZBA Public Hearings are held on the third Wednesday of the month in Lawrence Memorial Hall 2 Jabish Street Belchertown, MA. The ZBA will hold a public hearing within 65 days of receipt of a **properly filed petition**. Attendance by the petitioner or representative is required.

**DECISION**

A written decision will be filed with the Town Clerk within a reasonable time period. (Approx. 14 days from hearing) The twenty day appeal period will then commence. If no appeal to the decision is made, the applicant **MUST** then record the original copy of the decision at the Registry of Deeds in Northampton, Massachusetts. **A building permit will not be issued without this proof of recording.**

**SPECIAL PERMIT CRITERIA**

The Board may grant Special Permits in accordance with Section 11 of Chapter 40A of the general laws, as amended, of the Zoning by-laws. The Special Permit granting Authority shall grant special permits which:

- a. Are found not to be detrimental to the established or future character of the town and neighborhood
- b. Will not nullify or substantially derogate from the intent or purpose of the zoning district in which it is located: and
- c. Is in harmony with the general intent and purpose of this chapter and conditions, safeguards and limitations on time or use may be imposed when deemed appropriate.

All applications for a special permit shall be made in writing on forms furnished by the Special Permit Granting Authority located in the Town Clerk's office and **MUST BE ACCOMPANIED BY THE FOLLOWING INFORMATION** as required in Chapter 145-69 of the zoning by-laws.

- a. Location of premises, showing dimensions; abutting properties, with name and addresses of owners; abutting and nearby streets and ways; and zoning of all properties shown. All abutting properties owned by the applicant/petitioner shall be clearly identified.
- b. Location and dimensions of all proposed structures, including signs and other proposed advertising devices.
- c. Location and number of parking spaces and loading accommodations.
- d. Location of all wetlands, streams and bodies of water.
- e. Pedestrian and vehicular circulation, with particular attention given to their safety, convenience, ingress and egress.
- f. Potentially hazardous situations involving the effects of noise, odor, glare or vibrations on properties in the area.
- g. Type and location of all outdoor lighting.
- h. Where appropriate, the location and type of material proposed for buffers and screening.
- i. Topography

### **VARIANCE CRITERIA**

The Board may grant Variances in accordance with the provisions in Section 11 of Chapter 40A of the Massachusetts General Laws, as amended, from the terms and conditions as stated in the Zoning Bylaw, under specific circumstances when literal interpretation of the Bylaw would impose a substantial financial or other hardship upon the applicant/petitioner.

Such Variance shall be grant only if **ALL** of the following conditions have been met:

- a. Circumstances exist which relate to the soil conditions, shape or topography of the land or structures and especially effect such land or structures but do not generally affect the zoning district in which they are located;
- b. Literal enforcement of this chapter will result in a substantial hardship, financial or otherwise; and
- c. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this chapter.

The applicant shall submit information demonstrating that **ALL** of the three conditions listed above is present and relevant to the application. In order to grant a variance, the Board must find that **all** three conditions have been met. **It is the responsibility of the applicant to provide evidence and clearly explain how all three conditions are present.**

Conditions may be added to address safety and time limitations. If the rights authorized by the Variance are not exercised within one (1) year from date of such variance was granted, those rights shall lapse and shall only be re-established in accordance with M.G.L c.40A.

### **APPEAL**

- \_\_\_\_\_ Assessors tax map and parcel. Locus map of land
- \_\_\_\_\_ If waiver is requested from any Boards Rules & Regulations, submit request with reasons
- \_\_\_\_\_ If an Appeal of the building Inspectors decision, submit a copy of decision/order and date
- \_\_\_\_\_ Additional relevant permits obtained and/or information

**Certified Abutter List Must Be Requested From the Assessor's office at a Cost to the Applicant**

For more information regarding Regulations and Requirements see the Zoning Act under Mass general laws, Chapter 40A. Questions regarding land use, zoning districts, structures, setbacks contact the Building Inspector, Paul Adzima, in the Building Inspections Department at (413) 323 – 0402.



**BOARD OF APPEALS**  
TOWN OF BELCHERTOWN, MA

**PETITION**

Document Submittal Requirements \_\_\_\_\_ Checklist

Please submit the **original** application and ***twelve copies of all documents*** listed below to the Town Clerk.

Zoning Board of Appeals application fee: \$150.00

**Applicant is responsible for full payment of the legal notice in any local newspaper.**

\_\_\_\_\_ Filing fee: check made out to the “Town of Belchertown”

\_\_\_\_\_ A Deed showing the Owner of the property or a purchase and sale agreement or letter granting power of attorney

\_\_\_\_\_ Certified plot plan (stamped & signed by a Registered Land Surveyor or registered Professional Engineer).

\_\_\_\_\_ If another will represent applicant/owner; a letter stating such needs to be attached with both applicant/owner and representative signatures.

**THE CERTIFIED PLOT PLAN MUST INCLUDE:**

<b>EXISTING FEATURES</b>	<b>PROPOSED FEATURES</b>
Property lines (bearings & distances)	Same
Lot area and frontage	Same
Location & size of all buildings & structures	Indicate location of all proposed additions/alterations & new buildings or structures
Measurement of all setbacks (front, side & rear)	Measurement setbacks impacted by proposal
Driveways and parking areas	New driveways and parking areas
Sewage facilities	New sewage facilities
Any other information deemed necessary by the Zoning Enforcement Officer	Topographical plan (if required)

\_\_\_\_\_ Building plans-Schematic Architectural Plans ¼ “ Scale

<b>EXISTING FEATURES</b>	<b>PROPOSED FEATURES</b>
Floor plans of entire structure/buildings	Floor plans of add'l. & new structure/buildings
Elevations of all sides of structure/building	Elevations of additions & new structure/building
Height of existing structure/building	Height of proposed alteration to existing structure

\_\_\_\_\_ Assessors tax map/parcel # and Locus map of land

**ZONING BOARD OF APPEALS  
PETITION**

(Please use ink: type or print)

Name of Petitioner \_\_\_\_\_

Petitioner's Address \_\_\_\_\_

Petitioner's Telephone # \_\_\_\_\_

Petitioner's E-Mail: \_\_\_\_\_

Name of Owner \_\_\_\_\_

Owner's Address \_\_\_\_\_

Owner's Telephone # \_\_\_\_\_

Petitioner's relationship to the land? \_\_\_\_\_ (i.e. what is their standing?)

**Location of Work/Address** \_\_\_\_\_ **Map** \_\_\_\_\_ **Parcel/Lot** \_\_\_\_\_ **Zoning District** \_\_\_\_\_

Hampshire County registry of Deeds: Book \_\_\_\_\_ Page \_\_\_\_\_ Date of land acquisition on title \_\_\_\_\_

Year House was Built \_\_\_\_\_

Is subject property part of a larger parcel which was/is being subdivided by the applicant/property owner? \_\_\_\_\_

The application is made for (Please circle one)

**Special Permit      Variance      Appeal decision of Building Inspector      Comprehensive Permit**

**\*What SECTION and PAGE of the Zoning By-law(s) are you petitioning the Board \*** Board will reject application if section and page of the Zoning By-Law(s) are not specified

§ \_\_\_\_\_ § \_\_\_\_\_

Has there been a previous appeal involving these premises? YES \_\_\_\_\_ NO \_\_\_\_\_

**Cite Zoning reference and relevant sections of Zoning Bylaw involved** \_\_\_\_\_

Type of building or structure \_\_\_\_\_ Existing structure dimensions \_\_\_\_\_

Proposed dimensions \_\_\_\_\_

Describe proposed work/ variance/ special use: (Attach additional pages if necessary)

	REQUIRED	EXISTING	PROPOSED
Area			
Frontage			
Depth			
Front Yard Setback			
Side Yard Setback			
Side Yard Setback			
Rear Yard Setback			
Building Coverage			
Building Height			

Set forth all reasons petitioner believes the requested relief should be granted.

For Special Permits and Variances, refer to information submitted with the application (e.g., plans, photos, maps, reports); explain how the conditions required for Special Permit or Variance are present.  
 (Attach additional pages if necessary)

The undersigned certifies that the information provided on this application and any attached plans are a true and accurate representation of facts pertinent to the subject parcel of land, and acknowledges that all representations are made under the pains and penalties of perjury. The Zoning Board of Appeals is entitled to rely on this representation as being the full and complete statement of the applicant (s) / owner.

Applicants Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_