



OFFICE OF
BOARD OF APPEALS

Town of Hadley
Hadley, Massachusetts
01035

APPLICATION

Attached is the necessary form for requesting a hearing on the merits of granting a Variance, Special Permit or reversal of a decision of the Building Inspector/Zoning Enforcement Officer.

It must be filled out using a typewriter or printed block letters. The application must be filled out **completely**. The application must be reviewed and signed off by the Building Inspector/Zoning Enforcement Officer as to its' completeness of required information. When completed and signed by the applicant and the Building Inspector/Zoning Enforcement Officer, it shall be filed by the applicant with the required fee in the office of the Town Clerk.

No application shall be accepted by the Town Clerk until signed by the Building Inspector/Zoning Enforcement Officer and accompanied by a certified abutters list.

The Zoning Board of Appeals is required by law to hold a Public Hearing to consider the merits of the application within 65 days of the filing date (date filed with the Town Clerk). A "Notice of Public Hearing" will be sent by the Board of Appeals and published in a newspaper of general circulation in the town and written notice thereof mailed to those legally entitled thereto.

ABUTTERS LIST

Each applicant for a special permit shall be accompanied by a list of all names and addresses within three hundred (300) feet of the property line of the subject property, and landowners directly opposite on any public or private street, as well as abutting towns. Names and addresses shall be in label format and shall be listed as they appear on the most recent applicable tax list. **Application will not be considered complete without labels or addressed envelopes.**

HEARINGS

1. A public hearing on an application for a special permit shall be held within sixty-five (65) days of filing the application with the Town Clerk. A public hearing for

a variance shall be held within seventy-five (75) days of the application date with a decision filed with the Town Clerk within fourteen (14) days.

2. **Hearings to be Public** – All hearings shall be open to the public. No person shall be excluded unless considered by the Chairperson to be a “serious hindrance” to the workings of the Board.
3. **Representation and Absence** – An applicant may appear in his/her behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the Board may decide on the matter using the information it has otherwise received.
4. **Order of Business**
 - a. Reading of petition and legal notices, if any.
 - b. Applicant’s presentation together with presentation of exhibits.
 - c. Questioning by Board.
 - d. Opponent’s presentation, if any, and questions by those seeking information.
 - e. Applicant’s rebuttal, restricted to matters raised by opponent’s presentation and/or Board’s questions.

Members of the Board may direct questions at any point during the Public Hearing.

ACTIONS BY THE ZONING BOARD OF APPEALS

1. **Decisions** – A decision on a special permit shall be filed with the Town Clerk within ninety (90) days after the initial public hearing. The required time limits for a public hearing and decision may be extended by written agreement between the petitioner and the Zoning Board of Appeals. Failure of the Zoning Board of Appeals to take action within ninety (90) days or extended time shall be deemed to be a grant of the special permit.
2. **Voting Requirements and Records** – A special permit or variance decision shall require a concurring vote of three (3) members of the three (3) member Zoning Board, with each member who is sitting must record either yes or no. The Board shall also clearly set forth the reasons for its decision. The detailed record of the proceedings, including the decision, the vote on the decision, and the reasons for the decision shall be filed with the Town Clerk within fourteen (14) days of the decision. A notice of such decision shall be mailed forthwith to the petitioner, to all parties to whom notice of the hearings was mailed, and to every person present at the hearing who requested a notice to be sent and stated the address to which such notice to be sent, the Planning Board, and where applicable, to the Board of Health, the Conservation Commission, and other Town boards or departments. Each notice shall specify that appeals, if any, shall be pursuant to MGL Chapter

40A, Section 17 and shall be filed within twenty (20) days after the date of filing such notice with the Town Clerk.

WITHDRAWAL

Any application for a special permit may be withdrawn with prejudice by notice in writing to the Zoning Board of Appeals with a copy to the Town Clerk prior to the publication of the public hearing notice by the Board. Requests to withdraw without prejudice after publication of the public hearing notice may be granted by a majority vote of the Board upon written request from the applicant.

RECONSIDERATION

Once a decision has been voted upon and the meeting adjourned there shall be no reconsideration of a decision by the Board, unless remanded by the Court.

EXPIRATION

Variations must be exercised within one (1) year of decision if the Zoning Board of Appeals has not, upon request, extended the variance for six (6) months. Special permits shall expire within two (2) years of approval, if a substantial use thereof or if construction has not commenced. An extension may be granted by the Board for the time period required to pursue or wait for the determination of an appeal under MGL Chapter 40A, Section 17 or for other good cause.

RE-APPLICATIONS

No appeal, application or petition which has been unfavorably and finally acted upon by the Zoning Board shall be acted favorably upon within two (2) years after the date of final unfavorable action unless the Board finds, by a vote of three (3) members of the three (3) member Board, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties of interest of the time and place of the proceedings when the question of such consent will be considered. The applicant shall be responsible for the cost of such notice.

OPINIONS AND ADVICE

Any advice, opinion, or information given by any Board member or any other official or employee of the Town shall not be binding on the Board.

AMENDMENTS

These Rules may be amended by a majority vote of the members of the Board, provided that such amendment shall be presented in writing at a regular meeting and action taken

thereof at a subsequent regular meeting. The amendment of the General Laws or Zoning By-law with respect to any matter covered by these Rules and Regulations will constitute automatic amendment.

IT IS THE APPLICANT’S RESPONSIBILITY TO FAMILIARIZE HIM/HERSELF WITH THESE RULES AND ZONING BY-LAWS PRIOR TO THE PUBLIC HEARING.

APPLICATION INSTRUCTIONS

- Item 1.) State full name(s) of applicant(s)
State address of applicant
- Item 2.) State full name(s) of property owner(s)
State address of property owner(s)
- Item 3.) Indicate applicant’s standing to apply
- Item 4.) Indicate whether the application is for a Special Permit, petition for a Variance or an Appeal from a decision of the Building Inspector/Zoning Enforcement Officer. You must indicate the Section and page numbers of the Zoning By-Law or M.G.L. 40A that is applicable to your application, and if more than one (1), so indicate.
- Item 5.) State where the property is situated, i.e. south side of Main Street, and makes reference to map and lot numbers as indicated on the Assessors tax maps.
- Item 6.) Circle the zone in which the property is located modified to Hadley.
- Item 7.) State as concisely as possible the work you propose to undertake and/or your proposed use of the property should your application be approved.
- Item 8.) The applicant is required to submit a site/plot plan, showing the property boundaries, dimensions of all existing and proposed buildings, septic leaching system, wells, other structures and their distances from said property boundaries. The Site/Plot Plan shall include all perimeter dimensions and area of the property.
- Item 9.) Applicants should state sufficient reasons toward which the Board of Appeals may make a favorable finding. Burden is upon the applicant to prove at the hearing that all the requirements/conditions set forth by the Zoning By-Law and/or M.G.L. Chapter 40A can be met. Failure to sustain this burden may prevent you from reapplying for two (2) years.

You should make every attempt to preview these requirements with the Building Inspector/Zoning Enforcement Officer prior to completing this item. Attach additional sheets if needed.

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

- Item 10.) Notice will be mailed to all “Parties in Interest” (abutters) as defined in M.G.L. Chapter 40A, Section 11. The Town Assessors shall certify the names and mailing addresses of all “Parties in Interest”. A “Notice of Public Hearing” will be published in a newspaper of general circulation in the town.
- Item 11.) Indicate whether there has or has not been a previous application, petition or appeal submitted concerning the subject property within the last two (2) years. If yes indicates for what purpose and on what date.
- Item 12.) Read and sign the application. Have the Building Inspector/Zoning Enforcement Officer review and sign the application. If the application is a corporation, partnership, trust or other business entity an authorized officer shall sign. An attorney or other authorized representative of the applicant may sign on behalf of the applicant.

Filing fees indicated below shall be to the Town Clerk at the time the application is filed.

All Filings \$150.00

The applicant is advised that if the application, petition or appeal is granted the Board of Appeals may in its discretion and in addition to an applicable condition specified in the Zoning By-Law, impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood and/or to serve the purpose of the Zoning By-Law.

Such condition(s) will be stated in the “Decision”. A copy of which is required under M.G.L. Chapter 40A, Section 11 to be recorded at the Hampshire Registry of Deeds (at the applicant’s expense/not included in the filing fee) before the applicant’s variance and/or special permit may be acted upon.

A Building Permit shall not be issued until this requirement is met.

For additional information, contact:

Chairman, Zoning Board of Appeals
Building Inspector/Zoning Enforcement Officer

Hadley Zoning Board of Appeals

Case Number _____

1. Name of Applicant _____ Phone # _____
Address _____
2. Owner of Property _____
Address _____
3. Applicant is _____ Owner _____ Contract Purchaser _____ Lessee _____ Tenant
4. Application is made for:
 - a. ___ SPECIAL PERMIT under Section ___, Page ___ of the Zoning By-Law
 - b. ___ VARIANCE from the provisions of Section ___, Page ___ of the Zoning By-Law
Frontage _____ (indicate amount or frontage on property)
Minimum Yard Dimension _____ (Indicate setback requested in feet)
 - c. ___ APPEAL under M.G.L. 40A, Section 8
 - d. ___ FINDING under M.G.L.40A, Section 6.1 or Zoning Section 5.1.7.
5. Property Location: _____ being situated on the _____ side of the street as shown on the Assessors Map(s) _____. Lot(s) _____
6. Zoned (Circle one) AR RES. BUS LBUS IND
7. Description of proposed work and/or use (attach additional sheets if necessary): _____

8. Site/plot and Structural Plan attached. Describe additional attachments: _____

9. Set forth reasons upon which the Board of appeals may make a favorable finding (attach additional sheets if necessary): _____
10. See list of parties and property uses of interest on attached form.
11. Previous Application, Petition or Appeal concerning property? _____
Date _____ Purpose _____
12. I hereby certify that the information contained herein is true to the best of my knowledge:

Applicant's signature _____ Date _____

The Building Inspector/Zoning Enforcement Officer has reviewed this application as to adherence to the Zoning By-Laws and signatures are required:

Building Inspector: _____

Date received by Town Clerk _____ Date transmitted to ZBA _____