



TOWN OF DEERFIELD

Zoning Board of Appeals
8 Conway Street
South Deerfield MA 01373
Voice: 413.665.1400
Facsimile: 413.665.1411
Website: www.deerfieldma.us

Zoning Application Checklist

The **Deerfield Zoning Board of Appeals** meets on the *1st and 3rd Thursday of each month*, as needed. Applicants that wish to appear before the board must comply with the following:

- Carefully read all sections of the application for procedures that you must follow.
- Please type or print all information. Incomplete and/or illegible applications will delay the application process.
- All applications must be reviewed by a staff member in the Selectmen's Office once completed.
- After the Selectmen's Office reviews and initials the application, the application and application fee must be submitted to the Town Clerk's Office. **Please keep a copy of the entire application packet for your own records.**
- The Selectmen's Office will create the notice of hearing.
- An official abutters list from the Assessors' Office must be obtained as required by M.G.L. Chapter 40A, Section 11 (see page 2 of the ZBA application for details). It is the responsibility of the applicant to pay for the cost of the abutters mailing (certified / return receipt) plus \$2.00 for the cost of paper and processing. We will notify you of the final cost after we have processed your application.
- Legal advertisements will be generated by office staff and emailed directly to *The Recorder*. If the applicant supplies an email address, the advertisement will be forwarded accordingly, otherwise it will be mailed or available for pickup during regular office hours.
- Applicants pay publication costs directly to the Recorder.** Please contact Sharon Cross to arrange payment:
 - Telephone: 413-772-0261 ext. 219
 - Email: legalads@recorder.com
 - Fax: 413-774-5511
- Please allow a minimum of two (2) days notice to publish and pay for an advertisement as required by the newspaper. **The Town of Deerfield is not responsible if an advertisement is not published in time to hold the hearing.**

We appreciate your cooperation. Please feel free to contact the staff in the Selectmen's Office at 413-665-1400 with any questions.

Reviewed by BOS Staff

Filing Fee: \$100.00

**ZONING BOARD OF APPEALS
DEERFIELD, MASSACHUSETTS**

REQUEST FOR: SPECIAL PERMIT VARIANCE

Town Clerk Deerfield, MA

Pursuant to the provisions of Chapter 40A of the Massachusetts General Laws and the Zoning By-Laws of the Town of Deerfield, application is hereby made to the Board of Appeals for permission to

Affected Premises: _____
Street / Town / Zip

Map and Lot: _____ Book and Page: _____

Petitioner(s) Name(s)

Petitioner(s) address(es)

_____	_____
_____	_____
_____	_____

Phone Number: _____ Email address: _____

Received this date: _____
Town Clerk

d. Abutters to the abutters three hundred (300) feet of the property line of the petitioner

e. Planning Board of the city or town, and the Planning board of every abutting city or town.

OPTIONAL (Make the above list conclusive for all purposes)

2. We, the undersigned Board of Assessors, hereby certify to the permit granting authority or special permit granting authority that the names and addresses of the parties in interest as listed above are in accord with Chapter 40A of the Massachusetts General Laws.

BOARD OF ASSESSORS

Procedures and Submittals for an Application/Appeal to the Zoning Board of Appeals

5330. Procedures. Whenever an application for a special permit is filed with a special permit granting authority, the applicant shall also file, within three (3) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Police Chief, Fire Chief, for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority. Said authority shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall result in a return of all materials to the applicant, without prejudice. Reports from other boards and officials shall be submitted to the special permit granting authority by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the special permit granting authority is held prior to the expiration of the 35 day period, said authority shall continue the Public Hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the special permit granting authority shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

5340. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

5350. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5430, herein.

5360. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s.17, from the grant thereof) with the Town Clerk.

5430. Submittals.

5431. Plans subject to this section shall show:

- a. All boundary line information pertaining to the land sufficient to permit location of same on ground with existing and proposed topography at 2 foot contour intervals and the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and unique natural features;
- b. Existing and proposed buildings and structures, including fences, loading areas, accessory buildings, signs, waste disposal areas, and storage areas, with proposed building elevations or renderings; utilities and snow disposal methods.
- c. Water provision, including fire protection measures;

- d. Sanitary sewerage;
- e. Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's Subdivision Rules and Regulations;
- f. Parking, walkways, driveways, and other access and egress provisions;
- g. Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening;
- h. Existing and proposed exterior lighting;
- i. Compliance with all applicable provisions of this Zoning By-Law;
- j. Certified list of abutters;
- k. Signage;
- l. Application fees and inspection fees, as set forth in the rules and regulations of the Planning Board.

5432. The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts.

5433. Failure by the applicant to submit any of the required materials may constitute grounds for denial of the site plan application.

5440. Preparation of Plan. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 40'.

5450. Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 5430 or 5440 where the project involves relatively simple development plans.

Please be advised that in 1990, the Zoning Board of Appeals voted to require that all applicants obtain approvals from all other appropriate boards (e.g., Planning Board, Conservation Commission, Selectboard, Board of Health, DEDIC) prior to the ZBA hearing. The Board may waive this requirement only upon written request of the applicant and approval by the Board.

ZONING BOARD OF APPEALS

If you have been granted a Special Permit or Variance from the Zoning Board of Appeals, please be advised of the following:

Pursuant to MGL Chapter 40A:

1. **No variance or special permit, or any extension, modification or renewal thereof**, shall take effect until a copy of the decision bearing the certification of the city or town clerk that **twenty days** have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied by the courts, and **recorded in the registry of deeds** for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. (The applicant is responsible for picking up and recording the "Notice of Decision")
2. If the rights authorized by a **Variance** are not exercised within in **one year** of the date of grant of such variance such rights shall **lapse**.

Pursuant to Deerfield Zoning By-laws Section 179 Section 5360

3. **Lapse. Special Permits shall lapse** if a substantial use thereof or construction thereunder has not begun, except for good cause, within **24 months** following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17, from the grant thereof) with the Town Clerk.