

**Town of Westhampton
Planning Board & Zoning Board of Appeals
Application for Variance, Special Permit or Appeal**

This application package includes an application form, addressed to the Town of Westhampton Planning Board or Zoning Board of Appeals, requesting the granting of a VARIANCE, SPECIAL PERMIT or APPEAL and information intended to assist the applicant in properly completing the application.

The application must be completed using a typewriter or hand printed block-type letters. All numbered items on the application must be completed. The completed and signed application should be submitted to the Town Clerk for dating and serialization. It will then be reviewed by the chairman of the appropriate board for accuracy and completeness within one week from the date received by the Town Clerk and the applicant will be notified of any corrections or additional information required. The filing date of record will be that date upon which all necessary additional information and/or corrections have been received by the Town Clerk.

A VARIANCE is a special authorization granting relief from one or more terms of the Zoning Bylaw, for example, the desired use is not listed in Section III, Table 1 - Schedule of Use Regulations OR relief from the requirements of Section III, Table 2 - Dimensional & Density Regulations is desired. Applicants seeking a variance should note that The Zoning Board has the power to authorize a variance from the terms of the applicable Zoning Bylaw only where the Board determines that the applicant has met ALL requirements set forth in Massachusetts General Laws, Chapter 40A, Section 10 which are listed in the Zoning By-laws, Section VI, 6.11-1. Applicants for a VARIANCE should review the Westhampton Zoning Bylaws, Section VI, 6.11 - 6.14.

A SPECIAL PERMIT is required where indicated in Section III, Table 1 and for extensions and/or alterations of pre-existing non-conforming (grandfathered) structures and uses. Applicants seeking a special permit should refer to the Westhampton Zoning Bylaws, Section III, Table 1, which indicates use classifications which require special permits and By-law 3.32 which addresses the issuance of special permits for alteration or extension of pre-existing non-conforming structures and uses. Select the appropriate use classification and/or by-law that applies to your situation and include it by number and name on line 4 of your application. If an appropriate use classification is not listed, a Special Permit cannot be issued. (See By-laws Section III, 3.0) The procedure for application for and issuance of special permits is covered in Section VI, 6.2 & 6.3 of the Zoning Bylaws.

Aggrieved parties wishing to register an APPEAL should review Section VI, 6.10 of the by-laws.

NOTE:

The burden is upon the applicant to provide, through the written application and/or oral presentation at the public hearing, that all of the legal requirements contained in the applicable statutes and bylaws referred to above have been satisfied. Failure to sustain this burden may result in denial and may prevent the applicant from reapplying for two years.

INSTRUCTIONS:

1. State name, full mailing address, telephone number and E-mail address (opt.) of applicant.
2. State name, full mailing address, telephone number and E-mail address of the owner of the property.
3. Indicate applicant's standing to apply.
4. Indicate whether this is an application for a variance or for a special permit including the bylaw reference number(s) and nomenclature that applies to your case. Be sure you know which applies. If you are making application for both a special permit and variance, use a separate form for each (only one fee will be required). You may apply for more than one variance or more than one special permit for the same property on the same application. If "*other*", so indicate and explain.
5. Location of property should be clearly indicated by street address; where the property is situated - i.e., east side of South Road; including reference to the sheet and parcel numbers as designated on the Assessors' Tax Map. [Add space for deed information for Notice of Special Permit - Hampshire County Registry of Deeds; Book _____ Page____, Hampshire Registry of the Land Court Cert. # _____ Book _____ Page ____.]
6. Provide a description of the proposed work and/or property use. Attach sketches, photos, plans and/or scale drawings as appropriate. For alterations, additions, etc., indicate what presently exists as well as the extent of all new work. Special permits & variances are issued for only the work indicated in the application. To avoid further hearings, include all work requiring board consideration.
7. **SITE PLAN/PLOT PLAN:** Applications for variances must include a plan meeting the requirements of the Zoning Bylaws Section VI, 6.11, 2., a. & b. Applications for **SPECIAL PERMITS** must include a site plan in accordance with the Zoning Bylaws Section VI, 6.24 or 6.332, as applicable. Also indicate the proximity of structures, septic systems and/or wells on neighboring properties. A copy of the site/plot plan must be included in each supplementary information packet.
8. Applicant must indicate sufficient reasons upon which the Board of Appeals can base a finding that the applicant has met the requirements as set forth the Zoning Bylaws of the Town of Westhampton, Massachusetts. Applicants should review these requirements prior to completion of this item. Attach additional sheets as necessary to "make your case".
9. Massachusetts General Law stipulates that notice of the public hearing must be mailed, postage prepaid, to all "Parties in Interest". "Parties in Interest" include the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Planning Board of the city or town, and the Planning Board of every abutting city or town. The list of parties in interest provided must be certified by the Assessors' office and fourteen (14) copies of this certified copy are to be included in the supplementary Information packet.
10. Review and sign the form. If the applicant is a corporation, partnership, trust or other business entity, a duly authorized officer should sign. An attorney or other duly authorized representative of the applicant may sign on behalf of the applicant.

11. **ADDITIONAL COPIES:** It is the responsibility of the applicant to provide one (1) original copy of the application sheet and fourteen (14) complete copies of all supplementary information. Copies of the application sheet will be made by the board after completion of a satisfactory review.
12. **FILING FEE:** A filing fee of \$125.00 plus \$ 1.00 per "Party in Interest" must be paid when filing the application with the Town Clerk.

The applicant should be aware that if the application is approved, the Board of Appeals may, in its discretion, and in addition to any applicable conditions specified in the zoning ordinances, impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or serve the purposes of the zoning ordinances. Such conditions will be imposed in writing and the applicant may be further required to post bond or other security for compliance with said conditions in an amount satisfactory to the board.

FOR ADDITIONAL INFORMATION, CONTACT:

Zoning Board of Appeals _____ Planning Board

Leo Aloisi, Chair 527-0710 or

Mark Schwallie, Chair 413-203-3083

Richard W. Tracy, Secretary 527-1731

DO NOT WRITE IN THESE SPACES

Application Number _____

Received	TC

Fee	Paid

Filed	ZBA

Map(s)	Parcels

APPLICATION IS HEREBY MADE TO THE TOWN OF WESTHAMPTON ZONING BOARD OF APPEALS

Name of Applicant (s) _____

Address _____

Owner of Property _____

Address _____

Applicant is: Owner; _____ Contract Purchaser; _____

Lessee; _____ Tenant in Possession; _____.

Application is made for VARIANCE in accordance with Section VI.6.1 of the Zoning Bylaws of the Town of Westhampton.

Application is made for SPECIAL PERMIT under the provisions of Section IV of the Zoning Bylaws of the Town of Westhampton.

OTHER: _____

Location of Property _____,

being situated on the _____ side of the Street _____ and shown on the Assessors' Maps, Sheet No. _____ Parcel(s): _____

Description of proposed work and/or use: _____

1. Sketch plan attached: Yes _____ No _____

2. Site plan _____ Attached _____

Set forth reasons upon which application is based _____

Abutters (see instructions: list on reverse side of form).

I (we) hereby certify that information contained herein is true to the best of my (our) knowledge.

.Applicant's Signature: _____

Parties in Interest Full Mailing Address Town & Zip Map & Parcel

1 Planning Board	Town Hall	Chesterfield MA01012	NA
2 Planning Board	Town Hall	Huntington MA 01050	NA
3 Planning Board	43 Main Street	Easthampton MA 01027	NA
4 Planning Board	210 Main Street	Northampton MA 01060	NA
5 Planning Board	P.O. Box 397	Southampton MA 01073	NA
6 Planning Board	141 Main Street	Haydenville, MA 01039	NA
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