

Zoning Board of Appeals (ZBA)

P.O. Box 372

West Brookfield, MA 01585

Special Permit / Variance / Hearing Application

To Applicant:

This is the complete filing instructions and application form required for applying to the Zoning Board of Appeals for a Special Permit, Variances and Appeals. THIS INFORMATION IS UP TO DATE AS OF SEPTEMBER 2024 AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

Filing Procedure:

1. Applicant presents six (6) copies of the completed application packet (see below) to the Town Clerk. The Town Clerk stamps the date and time of filing on each copy. The Town Clerk shall return one copy of the completed application packet to the applicant to be filed with the Board of Appeals. The applicant presents the application packet to the Zoning Board of Appeals at the next ZBA session.
2. Upon receipt of the application packet, the Board will review all paperwork to ensure that all requirements have been satisfied. If the application is complete, a hearing date and site plan review (if applicable) will be scheduled by the Board.

Complete Application Packet:

The applicant must provide the following as part of a complete application packet.

1. A check for \$200.00.00 for the application fee (non-refundable) or the cost for required notice, whichever is greater is the responsibility of the applicant. Check is made payable to the Town of West Brookfield.
2. A determination letter from the Zoning Officer identifying the specific bylaw(s) that said request requires either a Special Permit or Variance.
3. Completed application form (attached).
4. Certified list of abutters within 300' from all sides, from the Board of Assessors. This must be requested in writing with a fee of \$10 and will not be received the same day.
5. Full copy of the deed proving ownership. If the owner is not the applicant, the applicant must also provide written consent of the record owner to the application.
6. A photograph giving visible record of the existing site where the proposed building or addition will be located.
7. Six (6) copies of a plan, diagram or plot plan showing:
 - a. Boundaries of parcel with dimensions
 - b. Names of all adjacent landowners
 - c. Outline of buildings with dimensions, existing structures and proposed
 - d. Setback dimensions of structures
 - e. Locations of adjacent public ways
 - f. Existing and proposed sanitary systems
 - g. North point
 - h. Names of all zoning districts shown on plans
 - i. Provisions for surface water drainage
 - j. Applicable landscape features
 - k. Any other features that the applicant deems applicable
 - l. Signature of the tax collector on the application form stating that all taxes are paid before a decision on said application can be acted upon
 - m. All Zoning non-compliances must be resolved before a decision on said application can be rendered

Note:

When an application requires a site plan approval, according to the By-Laws, all plans must be prepared by a Registered Engineer of Registered Land Surveyor.

In cases where a site plan review is not required, the Board of Appeals may waive some of the above information.

For Variances: Any request for the variance to existing Zoning By-Laws must satisfy the following conditions:

1. Hardship caused by soil, shape, or topography only affecting a parcel or building, but not affecting generally the zoning district.
2. Granting a variance would not be detrimental to the public good.
3. Granting a variance would not nullify or derogate from the intent of the bylaw.
4. One cannot create their own hardship.

Special Notes to the applicant:

The following are excerpts from the ZBA's rules and regulations and relate to some frequently asked questions.

1. Hearings and site plan reviews are not necessarily confined to one session. Depending upon the nature of the application, its complexity and questions that remain unresolved, the Board may continue the hearing as long as there is clear and reasonable expectation that new or additional information can be gathered that would have direct bearing on the application.
2. Applicants should not expect an immediate vote on their petitions. Time limits for petitions are governed by the Zoning Act, M.G.L. Chapter 40A.
3. Applications may be withdrawn, without prejudice, after the hearing has been opened. Any withdrawal of petitions must be done in writing.
4. The Board of Appeals must conduct a public hearing within 65 days of receipt of completed application packet and once the hearing is closed, must render a decision within 90 days. If the Board determines that additional relevant information is needed to render a decision then the 90 day deadline may be extended, with the applicant's approval.
5. Upon approval of the decision, there is a 20-day appeal period, for which once appeal period is reached and anytime afterwards, the applicant must record the decision at the Worcester Registry of Deeds in order for it to take effect.
6. Upon recording at the Worcester Registry of Deeds, the applicant can then continue the process with the Building Inspector in obtaining a building permit.

ZONING BOARD OF APPEALS

P. O. Box 372

West Brookfield, MA 10585

THE COMMONWEALTH OF MASSACHUSETTS TOWN OF WEST BROOKFIELD
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING

Petitioner(s): _____

Address: _____

Location of Property: _____

Applicant is _____ (owner, tenant, licensee, purchaser)

Nature of Application (describe and note whether an application is for a special permit, variance or appeal):

Application section of By-Law: _____

I hereby request a hearing before the Board of Appeals in reference to the above noted application.

Signed: _____

Signed: _____

Title: _____

Telephone Number: _____

Received from the applicant the sum of \$ _____ as filing fees for the above application

Town Clerk: _____ Date: _____

Time: _____

Confirm real estate taxes paid:

Tax Collector: _____ Date: _____

ABUTTERS LIST REQUEST

Date request was made to the Assessor's Office: _____

I would like to request a list of abutters for the following property:

Enclosed is \$10.00 for the fee.

Thank you.

Requested by:

Name: _____

Address: _____

Address(cont.): _____

Telephone: _____

Please forward to representative of petitioner.
