

TOWN OF GOSHEN
APPLICATION TO THE ZONING BOARD OF APPEALS
FOR A VARIANCE, A SPECIAL PERMIT, OR AN APPEAL
OF A DECISION OF THE ZONING ENFORCEMENT OFFICER

1. Under the provisions of Chapter 40A of the Massachusetts General Laws and Zoning By- Law of the Town of Goshen, application is hereby made to the Zoning Board of Appeals for (check one):

___A Variance under the provisions of Section_____Page_____of the Zoning By-Law

___A Special Permit under the provisions of Section_____Page_____of the Zoning By-Law

___An Appeal of a decision of the Zoning Enforcement Officer under the provisions of MGL Chapter 40A, Section 8.

2. Name of Applicant:_____

3. Physical Address:_____

4. Mailing Address:_____

5. Telephone Number:_____

6. Name of applicant's authorized representative (if applicable):_____

7. Physical Address of authorized representative:_____

8. Mailing address of authorized representative:_____

9. Telephone number of authorized representative:_____

10. Application is from (circle one):
Owner Contract Purchaser Lessee Tenant in Possession

11. Location of Property: Address_____

on the_____side of_____Street,

as shown on Assessors' Map Number_____, Parcel _____

12. Description of proposed work and/or use (use extra sheets, drawings, etc. as needed):

13. Is your site plan attached? (circle one): Yes No

Contact Information for Zoning Board of Appeal Processes

Board or Department & Web page address	Contact Information	Relevant Services See department web page for complete information
Zoning Board of Appeals www.goshen-ma.us/departments/zoning-board-of-appeals/	413-268-8236 ext.452 413-268-8237 fax zba@goshen-ma.us	Special Permits, Variances and appeals as found in the town bylaws
Building Department www.goshen-ma.us/departments/building-department/	413-268-8236 ext. 116 413-268-8237 fax Inspector@goshen-ma.us	Building permits Inspections General building code information and enforcement
Electrical Inspector www.goshen-ma.us/departments/building-department/	413-320-1156 413-268-8236 ext. 107	Electrical Permits & Inspections
Inspector of Plumbing & Gas Fitting www.goshen-ma.us/departments/building-department/	413-268-7487	Plumbing & Gas permits & inspections
Board of Health & Health Agent www.goshen-ma.us/departments/board-health-health-agent/	413-268-8236 ext. 110 413-268-8237 fax healthboard@goshen-ma.us	Perk tests, septic system and well designs, installations and inspections Food service inspections
Conservation Commission www.goshen-ma.us/departments/conservation-commission/	413-258-8236 ext. 451 413-268-8237 fax conservation@goshen-ma.us	Protection of wetland resource areas
Board of Assessors www.goshen-ma.us/departments/board-of-assessors/	413-268-8236 ext. 302 413-268-8237 fax assessors@goshen-ma.us	Property & tax records Assessment Inspections Abutters lists
Planning Board www.goshen-ma.us/departments/planning-board/	781-424-6945 413-268-8237 fax	Zoning bylaws Non-conforming lots & subdivisions
Fire Department www.goshen-ma.us/departments/goshen-fire-department/	413-268-7161 413-268-8237 fax goshenfirechief@goshen-ma.us	House numbering assignment Smoke & carbon monoxide detector inspections New Oil burner or oil tank inspections Sprinkler or alarm system inspections Oil tank removal inspection
Highway Department www.goshen-ma.us/departments/highway-department/	413-268-7062 413-268-8237 fax highway@goshen-ma.us	Driveway permits
Town Clerk www.goshen-ma.us/departments/town-clerk/	413-268-8236 ext. 107 413-268-8237 fax clerk@goshen-ma.us	General Information

APPLICATION INSTRUCTIONS

General instructions: File your completed and signed applications with the Town Clerk. The Town Clerk will accept your application and fees, and date the application. That is your filing date. The Zoning Board of Appeals is required by law to hear your application within 65 days of the filing date. Public notice of the hearing will be published in a newspaper of general circulation in the town, posted in the town, and mailed to parties in interest such as abutters.

Item 1: Indicate the action you are requesting of the Zoning Board of Appeals. The following explanations of each option may be of assistance.

Variances

Because “*variance*” has a common-sense sound, the word can mislead you. The need for a variance almost never comes up in Goshen.

If you read the By-Laws definition of a variance, you will see that the common-sense meaning of the word “*variance*” does not apply. The By-Law states that, for a variance to be granted, the Zoning Board of Appeals must find that “owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district within which it is located, a literal enforcement of the provisions of the By-Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good without nullifying or substantially derogating from the intent or purpose of such By-Law.” If you believe that your petition should request a variance, consult an attorney familiar with Massachusetts General Laws Chapter 40A.

Special Permits

You can lawfully change the use of your property:

- 1) Without a Special Permit:** If your property meets the frontage and acreage requirements of the bylaw (200 feet and 2 acres) and meets the district definition of Residential/ Agricultural use, you do not need a Special Permit for most changes in use (for example, to build or alter a residence, garage, barn, shed, etc.). In most cases, however, you will need to obtain a Building Permit from the Inspector of Buildings.
- 2) With a Special Permit:** If your property does not meet the frontage and acreage requirements of the By-Law, you need to petition for and be granted a Special Permit to build or alter a structure. If the use to which you intend to put the property does not meet the district definition of Residential/ Agricultural use (a business, for example), you need to petition for and be granted a Special Permit for permitted uses as specified in the Zoning By-Law.

Appeals

The Zoning Board of Appeals must hear and decide the appeal of any person who is aggrieved because of an inability to obtain a permit or an enforcement action from the Zoning Enforcement Officer. The Board must also hear and decide the appeal of any interested person, such as the owner of an abutting property, who is aggrieved by a decision of the Zoning Enforcement Officer. An effective appeal generally requires the assistance of an attorney. The Zoning Board of Appeals must hear and decide the appeal of any person who is aggrieved.

- Items 2-5:** Identify the applicant.
- Items 6-9:** If you are the applicant's authorized representative, please provide this information IN ADDITION TO the information in items 2-5.
- Item 10:** Indicates the applicant's interest in the affected property.
- Item 11:** If the property to be affected has a street address, provide it here. Then indicate the side of the street and the street (e.g., the south side of West Street), and the map number and parcel number as indicated on the assessors' tax map.
- Item 12:** Describes what you intend to do to the property, and/or the use proposed.
- Item 13:** A site plan is of great assistance to the Board of Appeals. This need not be a professional drawing or even a scale drawing.
- Item 14:** Please state your case clearly and concisely. In what way will the proposed project benefit you, your family, your neighborhood, your business interests, the general welfare of the town, etc.?
- Item 15:** If the affected property has been the subject of an application or appeal within the past two years, please indicate date and purpose.
- Item 16:** The application process requires mailed notifications of "parties in interest" as defined in MGLA Chapter 40A, Section 13. You CANNOT submit your List of Abutters without Assessors' Certification.
- Item 17:** Before you file your application with the Town Clerk, take it to the Board of Health for approval.
- Item 18:** If the applicant is not an individual (e.g., a corporation, partnership, or other business entity), an authorized representative may sign. An attorney or other authorized representative of the applicant may sign. When your completed application is signed and dated, you are ready to submit it to the Town Clerk. You are required to provide:
1. Copies: Submit an original and five copies of the entire form and supporting materials (drawings, letters of support, etc.).
 2. Fees: Your application is subject to the following fees:

Variance:	\$300.00 plus \$7.00 per abutter
Special Permit:	\$300.00 plus \$7.00 per abutter
Appeals:	\$7.00 per abutter
Abutter's List:	\$25.00