



TOWN OF WEST SPRINGFIELD BOARD OF APPEALS

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RULES AND REGULATIONS OF THE BOARD OF APPEALS

A. **APPLICATIONS** Each application for action by the Board of Appeals shall be filed by the applicant with the Town Clerk's office and the required number of copies of said application and supporting plans and documentation, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the applicant with the Planning Department. Each application packet shall contain the following information:

1. An application form completed in full and signed by the applicant, the owner of the property and the design engineer.
2. A list of the abutters to the property upon which action is requested. Said list of abutters is to be certified by the West Springfield Assessors Office as a true and accurate record taken from the most recent applicable tax list.
3. The applicant, if not the record owner, shall file a notarized statement signed by the owner of the property authorizing the applicant to file the application and act on the owner's behalf.
4. A proposed finding of facts setting forth the legal basis necessary for the granting of the application / appeal. Said legal basis is set forth in the Zoning Ordinance and M.G.L. Chapter 40A (The Zoning Act).
5. A plan drawn at a scale no greater than one inch equals forty feet (1" = 40') showing:
 - a. The dimensions of the parcel including all easements and rights-of-way abutting and within the parcel in question.
 - b. The location of all existing and proposed structures.
 - c. The front, side and rear setbacks to the existing and proposed structures.
 - d. The zoning districts in which the parcel and abutting lots, including the lot or lots directly across the street from the parcel in question, are located and the related dimensional and bulk requirements for the property in question.

- e. The location of all structures including but not limited to water, sanitary sewer, stormwater, fire hydrants and electrical utilities within all public and private easements and rights-of-way abutting and within the parcel in question.
 - f. Stormwater management and erosion control plan.
 - g. The names of all abutters as they appear on the most recent tax list.
 - h. The type of use (i.e. single family, two-family, retail, professional office, etc.) of each of the abutting parcels of land including the parcel or parcels directly across the street from the land in question. If the building is a multi-tenant building, the plan shall show the current use and size of each unit.
 - i. A locus map at a scale of not less than 1"=400'.
 - j. The location of all existing and proposed parking.
 - k. The location of all existing and proposed landscaping.
 - l. The location of all existing and proposed signage.
 - m. The location of all existing and proposed lighting.
 - n. The location of all existing and proposed appurtenant structures including but not limited to dumpsters, exterior compressors, heat pumps, etc.
 - o. The Board of Appeals may require additional information it deems necessary to adequately review an application /appeal presented before them.
6. A certified copy of the deed(s) for the property related to this application.

The Board of Appeals may require that all plans submitted be drawn by an engineer, surveyor or architect licensed in the Commonwealth of Massachusetts.

Applicants may request waivers of the above informational requirements and, the Board of Appeals may waive such requirements it judges to be unnecessary for the review of any particular plan or application.

B. NOTIFICATION Following the filing of an application, and before taking any action, the Board shall hold a public hearing on the application within sixty-five (65) calendar days of submission of said application. Notice of such public hearing shall be published in a newspaper of general circulation in West Springfield once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) calendar days before the day of the hearing, and such notice shall be posted in the Municipal Office Building for a period of not less than fourteen (14) days before the day of said hearing. Notice of such public hearing shall also be mailed to all parties in interest in accordance with M.G.L. Chapter 40A, Section 11. "Parties in interest" shall mean the petitioner, abutters, owners of land directly opposite

on any public or private street or way, and abutters to the 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 and the Planning Boards of Agawam, Westfield, Holyoke, Springfield and Chicopee.

- C. **REVIEW** The Board of Appeals shall review each application on its own merits and shall structure its review and decision in accordance with the Zoning Ordinance, Mass. General Laws and prevailing case law.

- D. **DECISIONS** Within ninety (90) calendar days of the close of the public hearing for a special permit or within one-hundred (100) days of the filing of any other appeal, petition or application, the Board of Appeals shall decide to approve, approve with modifications or conditions, or disapprove an application for a special permit, appeal, petition or application. The Board shall inform in writing, the applicant, the Building Commissioner, the Town Clerk, and parties of interest of its decision and its reasons.

- E. **VOTE** Approval of an application, appeal or petition, or approval with modifications or conditions, shall require a unanimous affirmative vote of the Board of Appeals.

- F. **EXTENSION OF TIME** The required time limits for a public hearing and filing of the decision of the Board, may be extended by written agreement between the applicant and the Board of Appeals. A copy of such agreement shall be filed in the office of the Town Clerk.

- G. **APPEAL PERIOD** Any person aggrieved by a decision of the Board of Appeals may, within twenty (20) days of the filing of the decision of the Board with the Town Clerk, file an appeal in accordance with M.G.L. Chapter 40A, Section 17.

- H. **RECORDING OF THE DECISION (VARIANCE AND SPECIAL PERMIT)** After expiration of the twenty day appeal period, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the Town Clerk shall certify said approval and the applicant shall file the decision of the Board of Appeals with the Hampden County Registry of Deeds in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. A copy of said filing certified by the Registry of Deeds shall be submitted to the Town Clerk's office and the Board of Appeals.

- I. **EFFECTIVE DATE OF DECISION (VARIANCE AND SPECIAL PERMIT)** No approval, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Hampden County Registry of Deeds in the grantor index under

the name of the owner of record or is recorded and noted on the owner's certificate of title in the instance of land registered in the Hampden District of the Land Court.

- J. BUILDING OR OCCUPANCY PERMITS** Only after an application / appeal has been approved by the Board of Appeals, the appeal period has elapsed and, with respect to special permits and variances, the decision of the Board has been recorded in the Registry of Deeds, may the Building Commissioner issue a building or occupancy permit. Any such building or occupancy permit must conform to all conditions or modifications attached to said approval by the Board of Appeals. Non-compliance with any conditions or requirements of the approval shall preclude the Building Commissioner from issuing a final Certificate of Occupancy.
- K. SUBMISSION OF INFORMATION** In order to secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for an application, such further information as it deems necessary to establish its findings. The failure of the applicant to supply any material required by the Board may result in the return of the application and may require a re-filing with a new filing fee. All information submitted to the Board as part of an application shall become part of the public record and shall become the property of the Town of West Springfield
- L. MISREPRESENTATION** Any misrepresentation of a material fact may, upon discovery and request for review by a party in interest, result in a re-hearing of the petition and may result in the revocation of the approval granted by the Board. If the approval or conditional approval is revoked, any structure or building constructed or altered as a result of said approval based upon the misrepresentation may be ordered razed and any use authorized may be prohibited.

M. FILING FEES

Application for a Variance	\$125.00
Application for a Special Permit	
Single and Two-Family	\$ 75.00
All others	\$125.00
Appeal of Site Plan Review decision	\$125.00
Appeal of Building Commissioner action	
Single and Two-Family	\$ 50.00
All others	\$100.00

All checks for filling fees shall be made payable to the Town of West Springfield

Public hearing notice (Made payable to <u>The West Springfield Record</u>)	\$ 50.00
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All expenses incurred by the Board of Appeals during the review process, including the expense of engaging outside consultants, shall be paid by the applicant. Reimbursement of these expenses is a requirement of approval, and failure to reimburse shall be cause for denial.

The Board of Appeals may require the posting of a bond to ensure compliance with the plan and the conditions and may suspend any permit or license when work is not performed as required.