

Ashfield Zoning Board of Appeals

Instructions for Filing to Appear Before the Ashfield Zoning Board of Appeals

General Information

- All hearings shall be open to the public. No person shall be excluded unless considered by the chairperson to be a serious hindrance to the workings of the board.
- An appellant or petitioner may appear in his/her own behalf or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an appellant or petitioner, the board may decide on the matter using the information it has otherwise received.

Filing Instructions

1. Please review the Variance Process and Appeals Process charts (attached) prior to appearing before the Board.
Each appeal and petition to the Board must be accompanied by a copy of the current deed as recorded in the Franklin County Registry of Deeds (noting Book and Page Number) and three copies of the following described plan.
The plan must be drawn to a known scale (e.g., 1"=10', 1"=20', 1"=40') so it fits on an 8½ x 11" or 11 x 17" sheet. Items to be included:
 - a. Names of owner(s) of the property in question; include addresses if different from the property itself.
 - b. Map and parcel number, according to Ashfield Assessors Maps, as well as street address; a copied section of the map is helpful as a locus.
 - c. Book and Page number from Registry of Deeds.
 - d. North arrow, scale of drawing (bar scale is helpful).
 - e. Property lines (or at least those closest to building/area in question).
 - f. Existing structures, including distance from property lines (to be verified in the field).
 - g. Names of street(s).
 - h. Approximate location of buildings on adjacent properties.
 - i. Location of entrances, exits, driveways, etc. that are pertinent to the application for Special Permit or Variance.
 - j. All proposed changes, including new structures, driveways, and distances from property lines, shown in red or otherwise highlighted.
2. File all plans and deed with the application form and required fee of \$120 to the Town Clerk, who will record the date and time it was received and forward it to the Zoning Board of Appeals. The ZBA will notify the applicant, all abutters within 300 feet, the Building Commissioner, the Planning Board, and the Planning Boards of the adjacent municipalities of the date of the public hearing, which will also be posted twice in a local newspaper, The Recorder, as a Legal Notice. Expect that the hearing will be approximately one month from the date of filing.

3. It is recommended that every petition for a Variance or Special Permit, and every appeal should the petitioner choose to do so, be supported by a brief* setting forth in detail all facts relied upon by the parties. This is particularly desirable in the case of a variance, when the following points, based on General Laws, Chapter 40A Section 10, should be clearly identified and factually supported:
 - a. The particular use proposed for the land or building.
 - b. Specific circumstances relating to the soil conditions, shape or topography especially affecting the land or structure for which a variance is sought, and not affecting generally land or structures in Ashfield, which would cause a substantial hardship if the zoning by-laws were literally enforced.
 - c. Facts which make up the substantial hardship.
 - d. Facts relied upon to support a finding that desirable relief may be granted without substantial detriment to the public good.
 - e. Facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

**Briefs may be filed before the public hearing or within such time thereafter as may be fixed by the board, but in no case later than five days after the public hearing.*
4. An appeal to the Zoning Board of Appeals must be filed within thirty days from the date of the zoning order or decision of the Building Commissioner that is being appealed. Please detail the specific relief requested.

Order of Business at Hearing

- a. Reading of petition and legal notices by the Board, together with presentation of exhibits, if any.
- b. Appellant or petitioner's presentation.
- c. Opponent's presentation, if any, and questions by those seeking information.
- d. Appellant or petitioner's rebuttal, restricted to matters raised by opponent's presentation. The board may ask questions during the hearing.
- e. When all comments have been voiced, the Board will close the hearing and may begin deliberations. During this time, the applicant and public may remain in attendance, but are no longer allowed to speak.

Attachments

Variance Process chart

Appeals Process chart

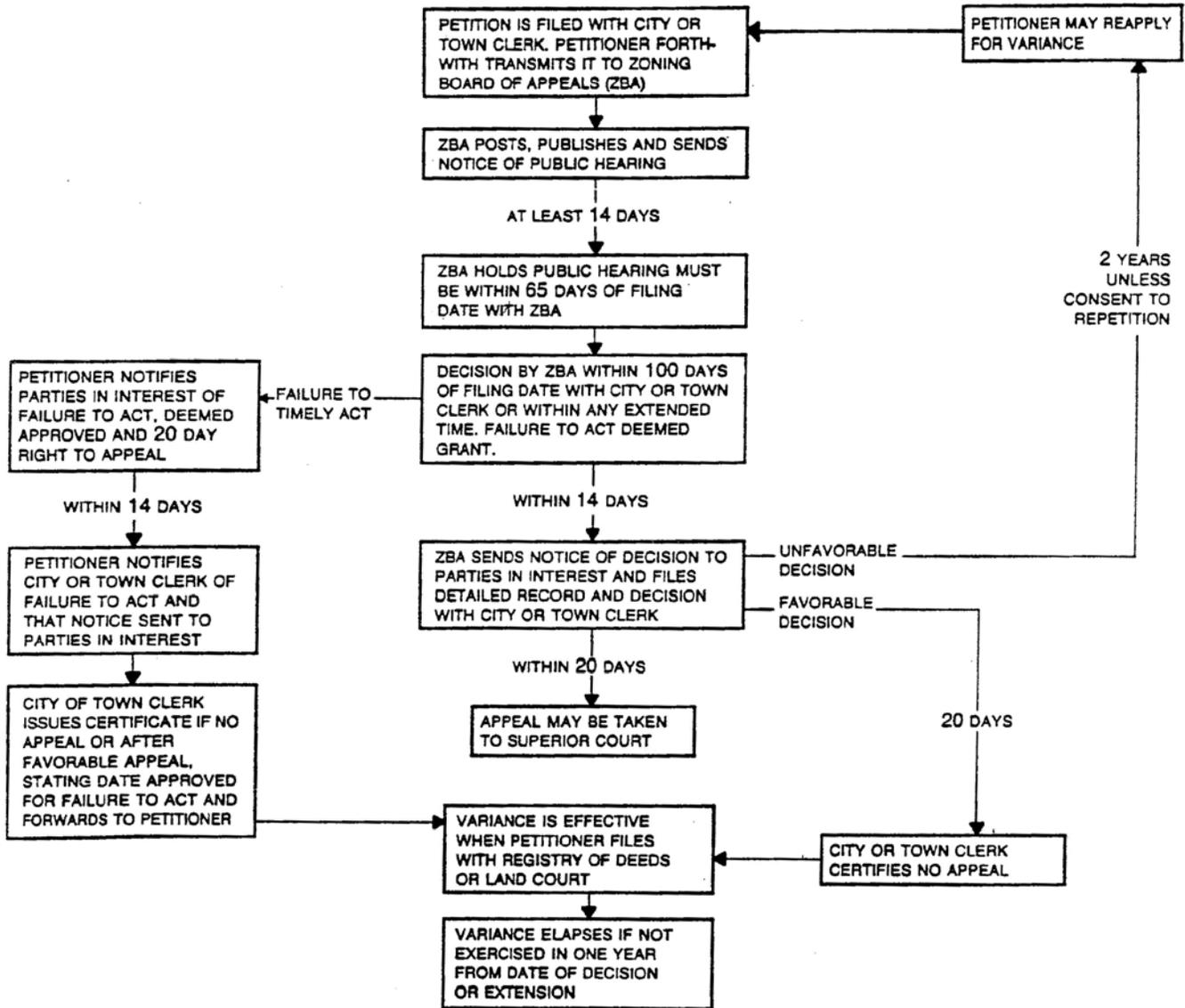
ZBA Form 1: Application for Variance or Special Permit to Extend, Alter or Change a Pre-Existing Non-Conforming Use or Structure

ZBA Form 3: Appeal from a Zoning Decision of the Building Commissioner

ZBA Form 4: Application for Special Permit to Add Dwelling Units in a Building Existing Prior to 1975

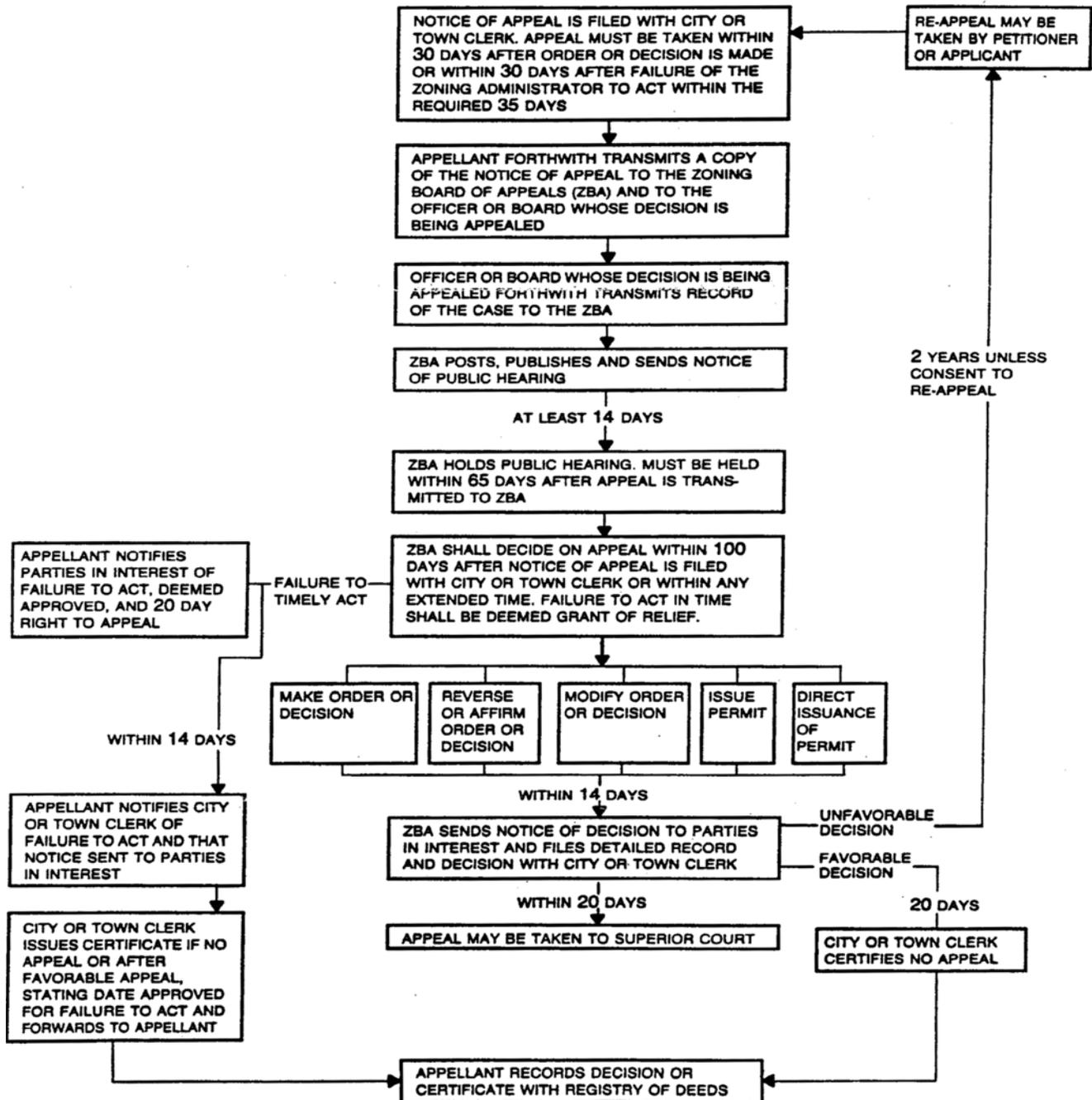
VARIANCE PROCESS (CONSULT G.L. Chapter 40A FOR COMPLETE AND BINDING TEXT)

BOARD OF APPEALS IS ACTING AS PERMIT GRANTING AUTHORITY



APPEALS PROCESS (CONSULT G.L. Chapter 40A FOR COMPLETE AND BINDING TEXT)

BOARD OF APPEALS IS ACTING ON APPEALS



Ashfield Zoning Board of Appeals
Application for Variance or Special Permit
to Extend, Alter or Change a Pre-Existing
Non-Conforming Use or Structure

Application for Hearing

Case No. _____

Name of Applicant _____

Mailing Address _____

Location of Property _____

Ashfield Assessors Map Page _____, Lot(s) _____

Recorded in Franklin County Registry of Deeds in Book _____ at page _____

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

Description of Non-Conformance:

Nature of Relief Requested:

Applicable Section of Zoning Bylaw _____

I hereby request a hearing before the Ashfield Zoning Board of Appeals.

Signed _____

Signed _____

Title _____

Telephone _____

E-Mail _____

Date and time received with fee _____

Town Clerk _____

Ashfield Zoning Board of Appeals

**Appeal from Zoning Decision
of Building Commissioner**

Application for Hearing

Case No. _____

Name of Appellant _____

Mailing Address _____

Location of Property _____

Ashfield Assessors Map Page _____, Lot(s) _____

Appellant is _____ (owner, tenant, licensee, prospective purchaser)

Nature of Appeal:

Nature of Relief Requested:

Applicable Section of Zoning Bylaw _____

Date of Decision by Building Commissioner _____

I hereby request a hearing before the Ashfield Zoning Board of Appeals.

Signed _____

Signed _____

Title _____

Telephone _____

E-Mail _____

Date and time received with fee _____

Town Clerk _____

Ashfield Zoning Board of Appeals
Application for Special Permit
to Add Dwelling Units in a Building
Existing Prior to 1975

Application for Hearing

Case No. _____

Name of Applicant _____

Mailing Address _____

Location of Property _____

Ashfield Assessors Map Page _____, Lot(s) _____

Recorded in Franklin County Registry of Deeds in Book _____ at page _____

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

Year of Construction of Existing Building _____

Total Number of Proposed Dwelling Units _____

I have attached plans showing the present and proposed floor plans within this building, the parking plan, and the present and proposed elevations.

Applicable Section of Zoning Bylaw Section IV A2

I hereby request a hearing before the Ashfield Zoning Board of Appeals.

Signed _____

Signed _____

Title _____

Telephone _____

E-Mail _____

Date and time received with fee _____

Town Clerk _____