

**INSTRUCTIONS FOR:
HEARING BEFORE THE LONGMEADOW ZONING BOARD OF APPEALS**

The Longmeadow Zoning Board of Appeals, under the authority granted under M.G.L. Ch. 40A, makes decisions on appeals relative to the Town of Longmeadow's Zoning Bylaws. Eight residents of the town, appointed by the Board of Selectmen, serve on a volunteer basis. The following instructions have been prepared to help you, the petitioner, prepare and submit the required documentation so that your application may be processed in the best manner possible.

Applications must be:

1. Presented on the official Longmeadow ZBA Form: Application for Hearing.
2. Accompanied by a filing fee of \$150.00 which is used to reimburse the Town for the costs of advertising and notifying abutters. Checks should be made payable to the Town of Longmeadow.
3. Accompanied by five sets of plans and supporting documentation.

Application procedure:

Step One: Obtain an application form from the Office of the Town Clerk or the Community Development Department (CDD), both of which are located in the Town Hall, 20 Williams Street, Longmeadow, MA 01106. If your application is for a variance, be sure to obtain an Appendix 1 form.

Step Two: Complete the official Application for Hearing form, prepare filing fee and five sets of plans and supporting documentation. If your application is for a variance, be sure to complete the Appendix 1 form.

Step Three: File the application with the Town Clerk. The Town Clerk will give back to you a certified copy of the application noting the date and time of the application.

Step Four: Deliver the certified copy of the application and the five sets of plans and supporting documentation to the Community Development Department (CDD). The CDD will not accept your application and schedule a hearing if they determine that all required documents are not present.

The Hearing:

1. Upon acceptance of the application, the CDD will request from the Assessors a certified list of names and addresses of all parties of interest. This list will include all abutters, owners of land directly opposite the Applicant's property on any public or private street or way and abutters to the abutters within 300 feet of the property line.

2. The hearing date will be scheduled within 65 days of the acceptance of the application and advertised by the ZBA. The Longmeadow ZBA schedules hearings regularly as needed, generally scheduling no more than five hearings on a particular date. Applications are scheduled in the order in which they are received. If the date scheduled is inconvenient to the applicant, you may have a representative present your application. You or a representative must attend the meeting to present your application to the ZBA.

3. All hearings of the ZBA shall be open to the public. If your neighbors have no objection to the allowance of your application, the ZBA will consider their written statements to that effect. The decision of the ZBA shall be made within 100 days after the date of the filing of the variance application except in regard to special permits, wherein the ZBA is allowed 90 days from the date of the close of the hearing.

4. Failure to submit sufficient documentation may constitute a reason for denial or continuation of the application. Applicants with insufficient documentation may request approval from the ZBA to withdraw their application without prejudice at the time of the hearing and the time limits for a public hearing and a decision may be extended, by written agreement between the applicant and the ZBA, if such agreement is filed in the office of the Town Clerk. Applications that are denied may not be re-filed for two years from the date of the hearing at which the final decision is rendered unless the unanimous consent of all members of the ZBA is obtained

After the Decision:

1. If the application is granted, you will not be able to act upon it until the ZBA has issued the decision and submitted it in writing to the Town Clerk. Once the decision is filed with the Town Clerk, there is a 20 day appeal period during which the ZBA's decision can be appealed. However, once the 20 day appeal period expires, the applicant obtains a Certificate of No Appeal from the Town Clerk. The applicant must then file the decision and the Certificate of No Appeal at the Hampden County Registry of Deeds in Springfield. Under Massachusetts General Law, special permits and variances do not legally take effect until recorded.

Filing Instructions: Application Form

Line 1: The applicant and applicant designation: The name of the applicant and whether he/she is the owner, tenant, licensee or prospective purchaser.

Line 2: The address of the applicant: should be the mailing address including the zip code.

Line 3: The name of property owner: The present owner of the property must be stated exactly as it appears on the most recent deed. If there is more than one owner, all names must be stated.

Line 4: The location of the property: should be the street and number or lot number.

Line 5: The map and parcel number: as designated in the records of the Board of Assessors. (Assessors Office 565-4115)

Line 6: The book and page number: referencing the deed as recorded in the Hampden County Registry of Deeds. (This information may be obtained from the Assessors Office 565-4115)

Line 7: Type of Application: The type of application should be indicated: you must choose one:

- 1) Appeal from decision of the Building Commissioner or issuance of a permit
- 2) Variance
- 3) Special Permit
- 4) Finding of adequate off-street parking
- 5) Exemption
- 6) Permission

Line 8: Nature of Request: The exact nature of the request should be stated in detail. The applicable section of the Zoning By-laws or General Laws should be cited.

Note: If you are applying for a variance: The applicant or the applicant's representative or Attorney must establish to the satisfaction of the Board, that:

"Only due to circumstances relating to the soil conditions, shape or topography of the land or structures, and especially affecting such land or structures but not generally affecting the zoning district in which it is located, that a literal enforcement of the Zoning By-law would involve substantial hardship, financial or otherwise to the petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such by-law".

It is the responsibility of the applicant or the applicant's representative or Attorney to be prepared to present all of the facts that support the specific criteria contained in above parenthetical statement, to the Board at the public hearing.

Line 9: Applicable section of Zoning By-laws: Please cite the section of the applicable by-laws relating to your request. The Zoning By-laws of the Town are available for your guidance in the Building Department. You may also purchase copies in the Building Department.

Filing Instructions: Drawings and Photographs

All applications must include five (5) copies of a detailed plan drawn and stamped by a professional surveyor, civil engineer or architect, either of which must be currently licensed to practice in the Commonwealth of Massachusetts, and other supporting documentation which together includes the following graphic support items:

- Line survey of the property including the location of abutting street(s);
- Footprints of existing structures and proposed structures clearly distinguished and identified;
- North arrow;
- Closest distance between the existing and proposed structure(s) and all front, rear and side lot line(s)
- Exterior dimensions of the proposed structure;
- Exterior elevations and heights of existing and proposed structures;
- Dimensions of all existing and proposed fences including the height, length and location (if applicable);
- Any drawings or photographs which would help the ZBA understand the nature of the application. (only one set of photographs required if available)

(Note: the above list pertains to all proposed construction including but limited to construction on any floor of a building)

- Area dimension of the property in square feet;
- Existing frontage;
- Such additional items and/or supplemental plans, drawings and documentation as the Board may require based on the specific nature of the application.

Additional copies of the application, detailed plan and other supporting documentation may be required upon request by the ZBA.

If you submit a completed application form and correct filing fee, by law, a hearing must be scheduled within 65 days. However, if your plan and other documentation do not contain the required graphic support item, then at the hearing:

- a) The ZBA may deny your application on the grounds of insufficient information. This may result in you having to wait two years before bringing back your application;
- b) You may be advised to request that the ZBA allow you to withdraw your application without prejudice. However, you will be required to file a new application and pay another filing fee;
- c) You may request a continuance of your hearing to a later date. The ZBA may require that any continuance of your hearing be in writing and filed with the Town Clerk.

Advisory:

This guide is designed and made available in an effort to be helpful to applicants but it is solely for general informational purposes. Please do not attempt to secure opinions of the Chairman or members of the ZBA or the CDD prior to the hearing. The members of the ZBA and CDD may not advise you on matters beyond the application/hearing process.

No one connected with the ZBA or the CDD Department is authorized to render legal services, give general advice or to insure the granting of any application before a full hearing. In order to evaluate your prospects, the applicable laws and the Zoning By-law should be studied carefully. You should carefully consider the need to consult your own attorney to be sure your rights are protected.

Application Checklist:

You must have:

- Completed application on official Longmeadow ZBA Form: Application for Hearing. If your application is for a variance, be sure to have completed an Appendix I form.
- Filing fee of \$150. Checks should be made payable to: Town of Longmeadow
- Five sets of plans and supporting documentation

Then you may:

- File application with Town Clerk and provide certified copy of application, plans and documentation to the Community Development Department.

You or your representative or Attorney:

- Must attend the public hearing of the ZBA once scheduled to present your application.