



## **TOWN OF DEERFIELD**

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*Zoning Board of Appeals*  
8 Conway Street  
South Deerfield MA 01373  
Voice: 413.665.1400  
Facsimile: 413.665.1411  
Website: [www.deerfieldma.us](http://www.deerfieldma.us)

### **Zoning Application Checklist**

The **Deerfield Zoning Board of Appeals** meets on the *third Thursday of each month*, as needed. Applicants that wish to appear before the Board must comply with the following:

- Carefully read all sections of the application for procedures that you must follow.
- Please type or print all information and provide an impact statement as outlined in section 5310 of the Town of Deerfield Bylaws (attached) and provide responses to the Special Permit Criteria outlined in section 5320 of The Town of Deerfield Bylaws (attached) to assist with decision making.
- Incomplete and/or illegible applications will delay the application process.
- All applications must be reviewed by a staff member in the Building Department once completed.
- After the Building Department reviews and initials the application, the application and \$300 application fee will be submitted to the Town Clerk's Office. **Please keep a copy of the entire application packet for your own records.**
- Staff in the Building Department will create the notice of hearing.
- A **300'** abutters list from the Assessors' Office must be obtained as required by M.G.L. Chapter 40A, Section 11, at the published cost determined by the Board of Assessors.
- It is the responsibility of the applicant to pay for the cost of the abutters mailing (certified/return receipt) plus \$2.00 per piece for the cost of paper and processing. We will notify you of the final cost after we have processed your application.
- Legal advertisements will be generated by office staff and emailed directly to *The Recorder*. If the applicant supplies an email address, the advertisement will be forwarded accordingly, otherwise it will be mailed or available for pickup during regular office hours.
- Applicants pay publication costs directly to the Recorder.** You will receive an invoice via email.
- Please allow a minimum of fourteen (14) days + three (3) days notice to publish and pay for an advertisement as required by the newspaper. **The Town of Deerfield is not responsible if an advertisement is not published in time to hold the hearing.**

We appreciate your cooperation. Please feel free to contact Inspections Services staff at 413-665-1400 ext. 108 with any questions.

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Reviewed by BD Staff





Property listed under Chapter 61, 61A or 61B for tax purposes? \_\_\_\_\_ Yes \_\_\_\_\_ No

11. Modification of Existing Permit? \_\_\_\_\_ Yes \_\_\_\_\_ No

12. Site Plan Review Application Pending? \_\_\_\_\_ Yes \_\_\_\_\_ No

13. Stormwater Permit Required? \_\_\_\_\_ Yes \_\_\_\_\_ No

14. Special Permit Application to Planning Board Pending? \_\_\_\_\_ Yes \_\_\_\_\_ No

15. List any other Federal, State, and/or Municipal Permits required: \_\_\_\_\_

\_\_\_\_\_

16. I hereby certify that the information contained in this application is true and complete:

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s) Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

(if different from applicant; attach additional sheets if necessary) \_\_\_\_\_ Date: \_\_\_\_\_

17. Board of Assessors Certification of Abutters (not necessary if requesting appeal)

We, the undersigned Board of Assessors, hereby certify to the permit granting authority that the names and addresses of the parties in interest as attached are in accord with Chapter 40A of the Massachusetts General Laws.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Building Commissioner Certification: \_\_\_\_\_ Date: \_\_\_\_\_

Comments:

18. Town Clerk Certification: \_\_\_\_\_ Date: \_\_\_\_\_

## ZBA SPECIAL PERMIT IMPACT STATEMENT

5315. Impact Statement. The Special Permit application must be accompanied by an impact statement. The Impact Statement shall detail the probable effects of the project, subdivision proposal, or development on the following positive or negative aspects of concern to the Town:

1. attendance at public schools;
2. increase in vehicular traffic, impact on traffic congestion, and impact on vehicular and pedestrian safety at intersections with public ways (e.g. safe sight distances);
3. changes in the number of legal residences;
4. provision of housing for Town residents including housing for persons of low and moderate income, if applicable;
5. impact on demand for municipal services such as police, fire, ambulance, road maintenance, garbage collection and disposal, and school transportation;
6. impact on demand for public water supplies and sewage treatment;
7. public safety concerns related to crime, acts of terrorism, etc.;
8. changes in tax revenue;

9. creation or retention of jobs;
10. changes in surface drainage and stormwater runoff;
11. increased consumption of groundwater;
12. water, air, noise, or light pollution;
13. land erosion or loss of tree cover;
14. disturbance of other aspects of the natural ecology including displacement of natural habitats;
15. impact of development on scenic views;
16. harmony with the character of the surrounding neighborhood;
17. preservation of historic and other cultural resources; and
18. other impacts such as energy conservation, support of local products or manufacturers, creation of parks, pedestrian facilities or bike paths, preservation of open space, etc.

## **FEES AND OTHER EXPENSES:**

<b>Special Permit or Variance Application Fee:</b>	\$300
<b>Abutters List fee:</b>	Cost as determined by the Deerfield Assessor's Office payable to the Town of Deerfield+ cost of 2 sets of mailing labels
<b>Abutters Notice Mailing fee:</b>	Total cost will vary depending on the number of abutters, and will include the cost/piece for Certified Mail/Return Receipt plus \$2.00 processing costs per piece
<b>Newspaper Publishing fee:</b>	Total cost will vary; to be paid directly to the Greenfield Recorder in-person or by phone prior to publication of legal notices

## **CONTACTS:**

<b>Building Commissioner:</b>	413-665-1400 x110 8 Conway St., South Deerfield, MA 01373
<b>Zoning Board Admin. Staff:</b>	413-665-1400 x108 8 Conway St., South Deerfield, MA 01373
<b>Town Clerk:</b>	413-665-2130 x100 8 Conway St., South Deerfield, MA 01373
<b>Board of Assessors:</b>	413-665-1400 x106 8 Conway St., South Deerfield, MA 01373
<b>Registry of Deeds:</b>	413-772-0239 Franklin County Courthouse, 425 Main St., Greenfield, MA 01301
<b>Greenfield Recorder:</b>	Please contact Suzanne Hunter to arrange payment: Telephone: 413-772-0261 ext. 219 Email: legalads@recorder.com Fax: 413-774-5511
<b>Town Website:</b>	<a href="http://www.deerfieldma.us">www.deerfieldma.us</a>

## **HOURS AND SCHEDULES:**

<b>Building Commissioner's Office:</b>	9:00 a.m. to 4:00 p.m. Monday through Friday
<b>Town Clerk's Office:</b>	9:00 a.m. to 4:00 p.m. Monday through Friday
<b>Inspection Services Office:</b>	9:00 a.m. to 4:00 p.m. Monday through Friday (Planning Board administrative staff in this office will assist you.)
<b>Board of Assessors Office:</b>	9:00 a.m. to 4:00 p.m. Monday, Tuesday, Thursday,
<b>Zoning Board Schedule:</b>	Typically meets the third Thursday of each month at 6:30 p.m. in Town Hall Meeting Room. This schedule or location may change due to holidays, earlier meeting start times, extra meetings in addition to the monthly meeting, etc. Please check with the Inspection Services Office to determine the next scheduled Planning Board meeting.

**5300. SPECIAL PERMITS.**

5310. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

5315. Impact Statement. The Special Permit application must be accompanied by an impact statement. The Impact Statement shall detail the probable effects of the project, subdivision proposal, or development on the following positive or negative aspects of concern to the Town:

1. attendance at public schools;
2. increase in vehicular traffic, impact on traffic congestion, and impact on vehicular and pedestrian safety at intersections with public ways (e.g. safe sight distances);
3. changes in the number of legal residences;
4. provision of housing for Town residents including housing for persons of low and moderate income, if applicable;
5. impact on demand for municipal services such as police, fire, ambulance, road maintenance, garbage collection and disposal, and school transportation;
6. impact on demand for public water supplies and sewage treatment;
7. public safety concerns related to crime, acts of terrorism, etc.;
8. changes in tax revenue;
9. creation or retention of jobs;
10. changes in surface drainage and stormwater runoff;
11. increased consumption of groundwater;
12. water, air, noise, or light pollution;
13. land erosion or loss of tree cover;
14. disturbance of other aspects of the natural ecology including displacement of natural habitats;
15. impact of development on scenic views;
16. harmony with the character of the surrounding neighborhood;
17. preservation of historic and other cultural resources; and
18. other impacts such as energy conservation, support of local products or manufacturers, creation of parks, pedestrian facilities or bike paths, preservation of open space, etc.

5320. Criteria. Special permits may be granted by the Special Permit Granting Authority upon its written determination that benefits of the proposed use outweigh its detrimental impacts on the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any criteria set forth in specific provisions of this by-law, the determination for all Special Permits herein shall include consideration of each of the following:

5321. Social economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures; 5325.

Impacts on the natural environment;

5326. Potential fiscal impact, including impact on town services, tax base, and employment;

- 5327. Adequacy of Town capacity to service the premises, considering existing roads, town equipment, and other municipal services and resources;
- 5328. Impacts on adjoining premises from water, air, noise or light pollution and other disturbances is avoided or minimized; and
- 5329. Avoid or minimize topographic change, removal of mature trees or other botanical assets, removal of cover vegetation, risk of erosion or siltation, increased storm water runoff from the site, or displacement of natural habitats.

5330. Procedures. Whenever an application for a special permit is filed with a special permit granting authority, the applicant shall also file, within three (3) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Police Chief, Fire Chief, for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority. Said authority shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall result in a return of all materials to the applicant, without prejudice. Reports from other boards and officials shall be submitted to the special permit granting authority by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the special permit granting authority is held prior to the expiration of the 35 day period, said authority shall continue the Public Hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the special permit granting authority shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

5340. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

5350. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5300, Section 5450 Plan Specifications, and Section 3700. Environmental Regulations.

5360. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.