



Town of Otis, Massachusetts
ZONING BOARD OF APPEALS

**Guidelines for filing a Special Permit or Variance
Application with the Zoning Board of Appeals**

IMPORTANT: Please see the Building Inspector before you fill out the application. He will assist you with the proper zoning sections and application requests. His review of your project and application may save time by preventing delays in the hearing process.

The original application for filing a Special Permit or Variance must be filled out **completely** and **legibly**. Submit the *original application* with *original* signatures along with **2 (two) copies** of all the following documents with the Town Clerk, no later than 2:00 p.m. on the deadline date. See deadline dates on attached page. Also, submit a check for the filing fee **\$300.00** made out to the **Town of Otis**.

All completed applications filed with the Town Clerk on or before the deadline will usually be considered for the next scheduled Zoning Board of Appeals Meeting, which is generally held the first Monday of each month.

We request that the applicant or a representative be present at the hearing to answer any questions the board may have. If there is not a representative available, a decision may not be made, and a continuance will take place.

The Board, in its discretion, may dismiss any application for failure to comply with any of the guidelines in the checklist.

SUBMITTAL REQUIREMENT CHECKLIST

Please submit the complete and legible original application and **2 (two) copies** of *all the documents* requested below *complied into packets* and submit to the Town Clerk to be time stamped no later than 2:00 p.m. on the deadline day. See deadlines on attached page.

- ORIGINAL application:** filled out completely and legibly with an original signature(s), along with two copies.
- Filing Fee:** Check made out to "Town of Otis" for \$300.00. Please note the applicant's name on the memo line
- Deed:** showing owner of the property or notarized a purchase and sales agreement granting power of attorney by owner.
- Relevant permits, decisions or minutes** from other Town Boards, i.e. (Conservation, Planning, and /or Health etc.) that have had current hearings about the property.

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- ❑ **Building Plans:** showing dimensions of the project and all measurements of attached structures, stairs, decks, etc.

- ❑ **Plot plan:** Submitted plot plans need to be endorsed by a registered engineer or land surveyor.
 - The plan should show metes and bounds,
 - Dimensional layout of all buildings,
 - Distances and setbacks of said building from the various boundaries,
 - Exact dimensions, setbacks and specifications of any new construction, alterations, additions or installation with which your case is concerned,
 - Direction “North”
 - Topography, existing or proposed, if applicable to the proposed project
 - If the location is near a road, the distances from the center and edge of the road are needed to determine the right-of-way across the property.

If the application is for an appeal, it must be accompanied by a written denial from another Town Administrative Body, i.e. Building Inspector, Planning Board, etc.

SITE VISIT

Board members often perform a site visit in order to render a decision. There may also be visits and input from other Town departments to assess the feasibility of the project and its impact on the public safety. If your property is difficult to find, please provide directions, landmarks, or map. If planning an addition or structure it is helpful to indicate the proposed construction by staking out the areas to be worked on.

Town of Otis Telephone (413) 269-0100

Town Clerk, Lyn O’Brien	ext.112
Building Inspector, Larry Gould	413-207-4027
Zoning Board	ext.134

A copy of the zoning bylaws may be obtained from the Town Clerk or online at www.townofotisma.com. Type in Zoning bylaws in the search box on the left-hand side.

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GUIDELINES FOR APPLICANTS

VARIANCES

Variations shall be granted only in cases where the Board finds that the petition meets **ALL** of the following criteria: M.G.L - Chapter 40A Section 10.

- A literal enforcement of the applicable provision of the Zoning Bylaw would involve substantial hardship, financial or otherwise, but not of a personal nature, to the petitioner or appellant;
- The hardship is owing to circumstances relating to **SOIL CONDITIONS, SHAPE OR TOPOGRAPHY** of the land or structures, affecting only the subject land or structures but not affecting generally land or structures in the same zoning district; and
- The relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

SPECIAL PERMITS

A Special Permit may be issued only for uses which are in harmony with the general purpose and intent of the zoning Bylaw. Each of the following will be weighed when considering the application:

- Social, economic, or community needs which are served by the proposal;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Neighborhood character and public services;
- Impacts on the natural environment;
- Potential fiscal impact, including impact on town services, tax base, and employment.

APPEALS

The Board will hear and decide appeals by:

- Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provision of M.G.L.A. C.40A;
- The Berkshire Regional Planning Commission; or
- Any person, including an officer of a board of the town or of an abutting city or town, aggrieved by an order or decision of the Building Inspector or other administrative official in violation of any provision of M.G.L.A. C.40A or of the Town of Otis Zoning Bylaw.

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