

# PLANNING BOARD – TOWN OF HEATH

## Heath Special Permit Process Package

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V1.2.doc

## HEATH PLANNING BOARD and ZONING BOARD OF APPEALS

### SPECIAL PERMITS and VARIANCES

#### *General Information – Questions and Answers*

#### **Who should apply for a Special Permit?**

Individuals or businesses applying for an approved use in compliance with the regulations of the zoning bylaw. Also, changes in nonconforming buildings or nonconforming uses of buildings require a Special Permit. If you think you might require a special permit, the Planning Board urges you to get a copy of the Heath Zoning Bylaw and Subdivision and Wetland Regulations. Available – Town Hall.

Section 4 of the bylaws provides detailed information on Special Permits. Note Section 4.2 for the items marked SP.

### **What is the difference between a Special Permit and a variance?**

A variance is a request to build something that does not comply with either the use or dimensional regulations of the zoning bylaws. For example a building that is more than 40 feet tall or a driveway going through wetlands.

The general regulations are described in the above-mentioned Bylaws, Section 2.

### **Who grants variances?**

The Zoning Board of Appeals. You would need to make a case to the ZBA that complying with those regulations would prove to be an undue hardship in your particular instance and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially deviating from the intent or purpose of such bylaw.

### **Who grants Special Permits?**

The Planning Board. Steps for getting a special permit are outlined on the next page.

## **TOWN OF HEATH PLANNING BOARD** **SPECIAL PERMIT PROCESS**

### **Steps for getting a Special Permit**

1. **Applicant** obtains a copy of the Heath Zoning Bylaw and Subdivision and Wetland Regulations. Available – Town Hall.  
(Section 6 provides general information on the Special Permit process.)

**2 Applicant** contacts the Chair of the Planning Board (check Town website for contact information) prior to the next scheduled meeting and explains the proposed project. The Chair can assist applicant in deciding what course of action is appropriate and what materials (such as a site plan or impact statement) may be needed.

**3Applicant** obtains a Special Permit application from the Town Clerk or administrator.

**4.Applicant** obtains a certified list of abutters' names and addresses from the Assessors' Office. **Applicant** fills out the application and files it, the abutter information, and appropriate supporting materials with the Town Clerk and Planning Board. There is a \$60 fee, payable to the Town of Heath.

5. The Chair will advise the applicant of the next Planning Board meeting during which your application is scheduled for discussion.. **Applicant** must bring the abutters list so that the Planning Board can notify them.

### **What Happens Next?**

Abutters are notified by mail. A project announcement runs in the newspaper on two successive weeks. Subsequently, but within 65 days of filing, a Planning Board hearing is held.

No more than 90 days later, the Planning Board renders a decision.

If no appeal has been filed, the special permit shall take effect 20 days after the decision has been filed with the Town Clerk. If denied, you have a right to appeal to the Zoning Board of Appeals.

The Planning Board will file a copy of the decision with the Town Clerk, retain a copy in its own files and mail a copy of the decision to the applicant and owner, the abutters and other interested parties.

**Applicant** provides the Town Clerk with a check (currently \$75) made out to the Registry of Deeds. The Town Clerk mails the approved special permit to the Registry. The permit is not in effect until this is done.

**Planning Board**  
**TOWN OF HEATH, MASSACHUSETTS**  
**APPLICATION FOR SPECIAL PERMIT**

This application is a request for a Special Permit under the provisions of Section 6 of the Heath Zoning By-law.

Date: \_\_\_\_\_

Location \_\_\_\_\_

Brief description of proposed use: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant (if different than owner): \_\_\_\_\_

Nature of relief requested:

Special permit pursuant to article \_\_\_\_\_ section \_\_\_\_\_ of

The Heath zoning bylaw which authorizes \_\_\_\_\_

To permit \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Detailed explanation of request:

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Because of the reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the zoning bylaw.

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Application must be accompanied by application fee of \$\_\_\_\_\_.\_\_, abutters list (obtain from assessors) and plans.

*I hereby certify that the information provided in this application and the accompanying drawing of the property is accurate, true and correct to the best of my ability.*

\_\_\_\_\_  
*Signature of applicant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Owner if other than applicant*

\_\_\_\_\_  
*Date*

**Planning Board  
TOWN OF HEATH, MASSACHUSETTS**

**APPLICATION FOR SPECIAL PERMIT FOR MANUFACTURED HOUSING**

This application is a request for a Special Permit for manufactured housing under the provisions of Section 6 of the Heath Zoning By-law.

Date: \_\_\_\_\_

Location \_\_\_\_\_

Brief description of proposed use: \_\_\_\_\_

\_\_\_\_\_

Type of foundation: Concrete slab / Footing

Age of home: \_\_\_\_\_

Meets current HUD requirements Yes / No. Type of documentation: \_\_\_\_\_

Setbacks are \_\_\_\_\_ feet in front of home \_\_\_\_\_ feet on sides and \_\_\_\_\_ feet in Back

Please draw a diagram on back of this page \_\_\_\_\_

If in Mohawk Estates, the owner has 4 contiguous properties: Yes / No \_\_\_\_\_

Owner: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant (if different than owner): \_\_\_\_\_

Nature of relief requested:  
Special permit pursuant to article \_\_\_\_\_ section \_\_\_\_\_ of \_\_\_\_\_

The Heath zoning bylaw which authorizes to permit:

\_\_\_\_\_

\_\_\_\_\_

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Detailed explanation of request:

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Because of the reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the zoning bylaw.

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Application must be accompanied by application fee of \$\_\_\_\_\_, abutters list (obtain from assessors) and plans.

*I hereby certify that the information provided in this application and the accompanying drawing of the property is accurate, true and correct to the best of my ability.*

\_\_\_\_\_  
*Signature of applicant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Owner if other than applicant*

\_\_\_\_\_  
*Date*

**Planning Board  
TOWN OF HEATH, MASSACHUSETTS**

**NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT**

Notice is hereby given that the Planning Board of the Town of Heath will hold a public hearing on \_\_\_\_\_.

At \_\_\_\_\_

On the application of \_\_\_\_\_

For property located at \_\_\_\_\_

For a special permit under the provisions of section 6 of the Heath Zoning Bylaw to permit. (Proposed use )

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

A copy of the application is available for review at the office of the Town Clerk. Any person interested or wishing to be heard on this special permit application should appear at the time and place designated.

Planning Board

By \_\_\_\_\_

Title \_\_\_\_\_

Posted in Town Hall \_\_\_\_\_

Forwarded for publication on \_\_\_\_\_

Mailed to "interested parties" on \_\_\_\_\_

**Planning Board**

**TOWN OF HEATH, MASSACHUSETTS**

**SPECIAL PERMIT DECISION – DETAILED RECORD**

Application Number: \_\_\_\_\_

Date filed: \_\_\_\_\_

The members of the Planning Board hereby certify that the following is a detailed record of all the Board's proceedings regarding the application of

\_\_\_\_\_

Whose address is \_\_\_\_\_

Regarding property located at \_\_\_\_\_

Said property owned by \_\_\_\_\_  
Which is the property affected by this special permit.

The application to the Board is dated \_\_\_\_\_. The application requests a special permit from section \_\_\_\_\_ of the Heath Zoning

Bylaw to permit \_\_\_\_\_

A true copy of the application is attached as Exhibit 1 and is made a part of this record.

A notice of public hearing on this special permit, a true copy of which is attached as Exhibit 2, and is made part of this record, was:

- Published in the \_\_\_\_\_, a newspaper of general circulation, on \_\_\_\_\_ and \_\_\_\_\_.
- Posted in a conspicuous place in the Town Hall at least fourteen days before the hearing on \_\_\_\_\_ and \_\_\_\_\_.
- Mailed on \_\_\_\_\_, postage prepaid, at least fourteen days before the hearing to the applicant, abutters to the property in question, owners of land directly opposite from the property in question on any private or public street or way, abutters to abutters whose property is located within 300 feet of the property in question, the Planning Board, and the planning boards of abutting towns including \_\_\_\_\_

\_\_\_\_\_

The notice was mailed to the names of persons and at the addresses as provided by the most recent tax list kept by the town assessor, with the assessor certifying such names and addresses.

The public hearing on this special permit was held on \_\_\_\_\_ at the \_\_\_\_\_ at \_\_\_\_\_ at which time opportunity was given to all those interested to be heard in favor or opposition to said special permit. The following members of the Board were present: \_\_\_\_\_

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A true copy of the minutes of that hearing is attached as exhibit 3.

After the close of the hearing, the Planning Board on \_\_\_\_\_ granted/denied the special permit with the following members present and voting, and voting as follows with respect to the special permit.

Member \_\_\_\_\_ voting to grant / deny permit

The Planning Board granted / denied the above special permit for the following reasons.

- The use is / is not in harmony with the intent and purpose of the Heath Zoning Bylaw because...

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- The use meets/does not meet the other provisions of the zoning bylaw for issuance of a special permit as follows...

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The Planning Board voted to grant the special permit with the following conditions, safeguards and limitations

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The Planning Board

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Planning Board  
TOWN OF HEATH, MASSACHUSETTS  
NOTICE FOR RECORDING - SPECIAL PERMIT

Petitioner: \_\_\_\_\_

Owner: \_\_\_\_\_

Deed Reference: \_\_\_\_\_

Date: \_\_\_\_\_

The Planning Board granted a special permit from section \_\_\_\_\_ of the Heath zoning bylaw on \_\_\_\_\_ to \_\_\_\_\_ whose address is \_\_\_\_\_ who is/is not the owner of property located at \_\_\_\_\_ which is the property affected by this special permit to permit \_\_\_\_\_ .

The hearing on this special permit was held on \_\_\_\_\_. The Planing Board granted this special permit based on the following finding and reasons: that the use would be in harmony with the general purpose and intent of the Zoning Bylaw because \_\_\_\_\_

and that the proposed use will not \_\_\_\_\_ because \_\_\_\_\_

This special permit is granted with the following conditions, safeguards and limitations: \_\_\_\_\_

The Planning Board hereby certifies that a copy of this decision and all plans referred to in the decision have been filed with the Planning board and the Town Clerk on \_\_\_\_\_ .

\_\_\_\_\_ Chair, Planning Board

*I hereby certify that 20 days have elapsed since I was notified of this decision and*

\_\_\_\_\_ *no appeal was file*

\_\_\_\_\_ *an appeal was file but has been dismissed or denied*

\_\_\_\_\_ *Town Clerk*