

## **Town of Wales Zoning Board of Appeals**

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### **The Zoning Board of Appeals Application Process** *As required by Massachusetts General Law Chapter 40*

After denial of a building permit by the Zoning Enforcement Officer, the property owner who wishes to build must make an application to the Zoning Board of Appeals (ZBA) for a special permit. This process takes about three months, sometimes longer, and will cost about \$125.00 for application fees, legal notices, mailing to abutters, etc.

#### **Step One: Denial of Building Permit**

Within thirty days of the denial the property owner should obtain a ZBA Application for a Special Permit from the ZBA or the Zoning Enforcement Officer, who gave you the denial of the building permit.

#### **Step Two: ZBA Application**

Fill out the ZBA application and make a copy. One must be filed with the Town Clerk and the other with the ZBA. The Town Clerk should stamp it with the date and time received. The ZBA must schedule a Hearing within 65 days. Along with the ZBA copy the property owner must include a check payable to the Town of Wales for \$125.00 along with eight (8) copies of all the paperwork submitted to the Building Inspector. There should also be included a copy of the deed, a site plan and photographs of the house, if not part of the original package for the building inspector.

#### **Step Three: Notification Period**

The ZBA will circulate the paperwork to various Town departments for comment, notify the abutters, set a date for a Public Hearing and publish the required notices. This process takes a minimum of 30 days. If departments have concerns and require more information from the property owner, the public hearing date will not be set until after you respond.

#### Step Four: ZBA Hearing and Decision.

At the hearing the property owner will make a presentation about what they wish to alter or reconstruct, then the ZBA will review comments from town departments, and listen to abutters and neighbors comments. You will be given an opportunity to respond and suggest changes to accommodate any concerns. The ZBA will meet later and issue a decision letter (normally within two weeks of the hearing, but if the project is large, requires expert advice, etc the ZBA may take up to 100 days.) You will be notified by mail of the ZBA decision and a copy will be sent to the Town Clerk. The Town Clerk will stamp the date and time received and holds the decision letter for public viewing.

#### Step Five: Appeal Period

After the Town Clerk receives the decision letter from the ZBA, interested parties have 20 days to come in and review the decision. After 20 days have elapsed, if no one has appealed the ZBA decision, the Town Clerk shall certify that the ZBA decision has become final.

#### Step Six: Recording the Decision

Before a building permit can be issued the ZBA decision has to be recorded at the Hampden County Registry of Deeds (HCR). The property owner must come in and pick up the Town Clerks Certified copy of the ZBA decision letter and take it to the HCR for recording. There is a fee for this, which is to be paid by the property owner. Check with the HCR for costs and hours of operation.

*After the decision has been recorded with the Registry of Deeds the property owner can bring the clerk's decision letter and proof of recording to the Building Commissioner and apply for a building permit.*