



ZONING BOARD OF APPEALS
WHATELY, MASSACHUSETTS

Updated 04/11/2013

APPLICATION FOR VARIANCE, SPECIAL PERMIT, OR APPEAL

To: Town Clerk
Whately, Massachusetts

Application fees: Residential/Agricultural Use: \$175^x
Commercial/Industrial Use: \$225

Review and/or legal fees can and will be assessed for the Zoning Board of Appeals to evaluate the project at the sole and absolute discretion of the Zoning Board of Appeals.

Pursuant to the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts and the Zoning By-Laws of the Town of Whately, application is hereby made to the Zoning Board of Appeals for:

(check one) _____ Variance ^x _____ Special Permit _____ Appeal

to do the following: outdoor marijuana cultivator

on premises located at 7 River Rd A/R2 & A/R1
(street address) (Zone, if-known)
Map 7, Parcel 9

(Map and Parcel No.)
Owned by Lawrence, Benedict and Nicole Rawls of 15 Desperado Dr, Laramie, WY
(name of owner) (address of owner)

Signature of applicant: Sam Hammer
Name of applicant: Debilitating Medical Condition Treatment Centers, Inc

(print or type)
Mailing address of applicant: 11-13 Hampden St, Springfield, MA 01103

Telephone Number of applicant: 617.564.1017

The Petitioner must list all owners' names and current addresses of property abutting the premises, and the owners' names and current addresses of land immediately adjoining the land of the Abutters (within 300 feet). Also, the names and current addresses of the owners of land across all highways.

(PLEASE USE A SEPARATE PIECE OF PAPER FOR ADDITIONAL ROOM) SEE BACK- SIDE

INSTRUCTIONS FOR PETITIONERS FILING TO APPEAR BEFORE THE ZONING BOARD OF APPEALS

1. Familiarize yourself with sections of the Zoning By-Law pertinent to your petition. You may represent yourself or have someone represent you.
2. One copy of the application with the correct fee: \$175 for Residential/Agricultural Use; \$225 for Commercial/Industrial Use is to be given to the Town Clerk. Each petitioner is urged to discuss the application with the Building Commissioner first. At that time the Building Commissioner may inform the petitioner of the requirement that all plans must have the stamp of the registered engineer or surveyor (this may be waived).
3. Be informed that review fees and/or legal fees can and will be assessed for the Zoning Board of Appeals to evaluate the project, at the sole and absolute discretion of the Zoning Board of Appeals.
4. The Petitioner must list all owners' names and current addresses of property abutting the premises, and the owners' names and current addresses of land immediately adjoining the land of the Abutters (within 300 feet). Also, the names and current addresses of the owners of land across all highways.
5. If the petition is an appeal from a decision of the Building Commissioner, the Board of Selectmen or any other permit granting authority, such appeal to the Zoning Board of Appeals shall be taken within 30'days from the date of the order or decision that is being appealed.
6. To be granted a variance, a Petitioner must establish that special conditions exist affecting the parcel of land or building, that literal enforcement of the Zoning By-Law would involve substantial hardship, financial or otherwise, and that the variance may be granted without detriment to the public good and without nullifying or substantially derogating from .the intent of the By-Law. Be prepared to present this data at the public hearing. It is strongly suggested that this data be prepared in writing and submitted to the Board at the hearing. It is emphasized that all of the foregoing requirements must be satisfied before the Board of Appeals is authorized under the laws of the Commonwealth to grant a variance.

In order to expedite consideration of your petition, include all factors that may be relevant to the question of hardship, financial or otherwise, including, but not limited to, purchase price, when purchased, mortgage indebtedness, expenses of maintenance and upkeep, income, taxes, etc. The Petitioner should present all facts indicating why a hardship exists and how it may be overcome by the granting of the variance.

7. If your petition before the Zoning Board of Appeals requests a Special Permit rather than a Variance, be prepared to present data that tends to indicate that the public convenience and welfare will be substantially served by granting the petition requested; that the petition requested will not tend to impair the status of the neighborhood; that .the permission requested will be in harmony with the general purposes and intent of the regulations in the Zoning By-Laws. You should also include in your application any copies of existing Special Permits for the parcel of which you have knowledge.

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TOWN OF WHATELY

Copies of the Zoning By-Laws are available at the Town Clerk's office for a small fee. The petition must be filed with the Town Clerk together with the filing fee. It is the petitioner's responsibility to get a receipted copy of the petition to the Zoning Board of Appeals, either by mail or in person.

