



ZONING BOARD OF APPEALS  
WHATELY, MASSACHUSETTS

Updated 04/11/2013

APPLICATION FOR VARIANCE, SPECIAL PERMIT, OR APPEAL TOWN OF WHATELY  
TOWN CLERK

To: Town Clerk

Whately, Massachusetts

2020 JUN 29 AM 9:42

Application fees: Residential/Agricultural Use: \$175  
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  Special Permit \_\_\_\_\_ Appeal to do the

following: Operate an owner occupied short term rental at my home. In addition, I am also interested in hosting small weddings and gatherings.

on premises located at 96 Westbrook Road, Whately, MA, 01093  
(street address) (Zone, if-known)  
04-0-05  
(Map and Parcel No.)

Owned by Joe Nickerson V of 96 Westbrook Road, Whately, MA 01093  
(name of owner) (address of owner)

Signature of applicant:

Name of applicant: Joe Nickerson V  
(print or type)

Mailing address of applicant: P.O. Box 96, South Deerfield, MA, 01373

Telephone Number of applicant: 413-231-4418

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.

ZONING BOARD OF APPEALS  
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.

To Whom it may concern,

Joseph H. Nickerson IV built his dream home back in 2009 at 96 Westbrook Rd in Whately, MA. He had been saving his entire life and would always talk about living his life up on his beautiful property. He unexpectedly passed away in September 2019. His children including myself Toccara Mularski, Megan Mularski, Joseph Nickerson V and Zach Nickerson were faced with a tough decision to sell or try and keep his home in our family. We decided to keep his home and property to live out his dream and keep his memories alive and well in our family. We are now faced with the financial responsibilities which of course come with home ownership, in addition to owning our own homes and providing for our families. His son Joseph Nickerson has been occupying his home and we are all chipping in to pay for this. We would like to apply for a special permit to operate an owner occupied short term rental at our home, and host small weddings/gatherings, to offset the high cost. This will make it far more affordable for us and we can ensure we can keep his home in our family and continue his legacy for years to come. This will not impair the status of the fantastic neighborhood we are all a part of now, we will ensure if rented that renters will abide to all rules and regulations of our town. Renters would only be allowed to book our home if they come with high ratings and regards from previous stays. The public will not be affected by granting this special permit and their welfare will be top priority. We are dedicated to this town and we want to continue to be a part of it. Thank you so much for your time and consideration regarding this matter. We look forward to hearing back and continuing this conversation.

Sincerely,

Toccara Mularski

Megan Mularski

Joseph Nickerson V

Zach Nickerson



# 300 foot Abutters List Report

Whately, MA  
June 29, 2020

## Subject Property:

Parcel Number: 04-0-05  
CAMA Number: 04-0-05  
Property Address: 96 WESTBROOK RD

Mailing Address: NICKERSON JOSEPH H IV  
PO BOX 96  
S DEERFIELD, MA 01373

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## Abutters:

Parcel Number: 03-0-10  
CAMA Number: 03-0-10  
Property Address: E/S CHESTNUT MTN RD

Mailing Address: NICKERSON JOSEPH H IV MARCIA L  
NICKERSON  
PO BOX 96  
S DEERFIELD, MA 01373

Parcel Number: 04-0-03  
CAMA Number: 04-0-03  
Property Address: 58 WESTBROOK RD

Mailing Address: BOYLE MICHAEL A CHRISTELLE B  
290 NORTHAMPTON RD  
AMHERST, MA 01002

Parcel Number: 04-0-03-3  
CAMA Number: 04-0-03-3  
Property Address: 62 WESTBROOK RD

Mailing Address: FRANK DALE EVANS DAWN  
PO BOX 512  
WHATELY, MA 01093

Parcel Number: 04-0-03-4  
CAMA Number: 04-0-03-4  
Property Address: SW/S WESTBROOK RD

Mailing Address: DEROSE JEFFREY  
PO BOX 703  
WHATELY, MA 01093

Parcel Number: 04-0-03-5  
CAMA Number: 04-0-03-5  
Property Address: 80 WESTBROOK RD

Mailing Address: DEROSE JEFFREY  
PO BOX 703  
WHATELY, MA 01093

Parcel Number: 04-0-05-1  
CAMA Number: 04-0-05-1  
Property Address: W/S WESTBROOK RD

Mailing Address: NICKERSON RANDALL S MARCIE L  
PO BOX 123  
WHATELY, MA 01093

Parcel Number: 04-0-06  
CAMA Number: 04-0-06  
Property Address: SW/S WESTBROOK RD

Mailing Address: SWIFT HAROLD R JR  
PO BOX 98  
WHATELY, MA 01093

Parcel Number: 04-0-09-2  
CAMA Number: 04-0-09-2  
Property Address: 91 WESTBROOK RD

Mailing Address: WASKIEWICZ JEFFREY  
91 WESTBROOK RD  
S DEERFIELD, MA 01373

Parcel Number: 04-0-09-3  
CAMA Number: 04-0-09-3  
Property Address: 89 WESTBROOK RD

Mailing Address: BLAIS RICHARD H TERESA M  
PO BOX 258  
WHATELY, MA 01093

Parcel Number: 04-0-12  
CAMA Number: 04-0-12  
Property Address: 95 WESTBROOK RD

Mailing Address: BOURBEAU CHRISTOPHER R MURPHY  
ALLISON K  
95 WESTBROOK RD  
S DEERFIELD, MA 01373



www.cai-tech.com

6/29/2020

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# 300 foot Abutters List Report

Whately, MA  
June 29, 2020

Parcel Number: 04-0-13  
CAMA Number: 04-0-13  
Property Address: 99 WESTBROOK RD

Mailing Address: DRAPER KATHARINE A  
99 WESTBROOK RD  
S DEERFIELD, MA 01373

Parcel Number: 04-0-14  
CAMA Number: 04-0-14  
Property Address: 103 WESTBROOK RD

Mailing Address: STOBIEFSKI JOHN J PAMELA H  
RIVER RD  
S DEERFIELD, MA 01373

Parcel Number: 04-0-16  
CAMA Number: 04-0-16  
Property Address: 87 WESTBROOK RD

Mailing Address: REILLY JOHN T & BETHANY  
87 WESTBROOK RD  
S DEERFIELD, MA 01373



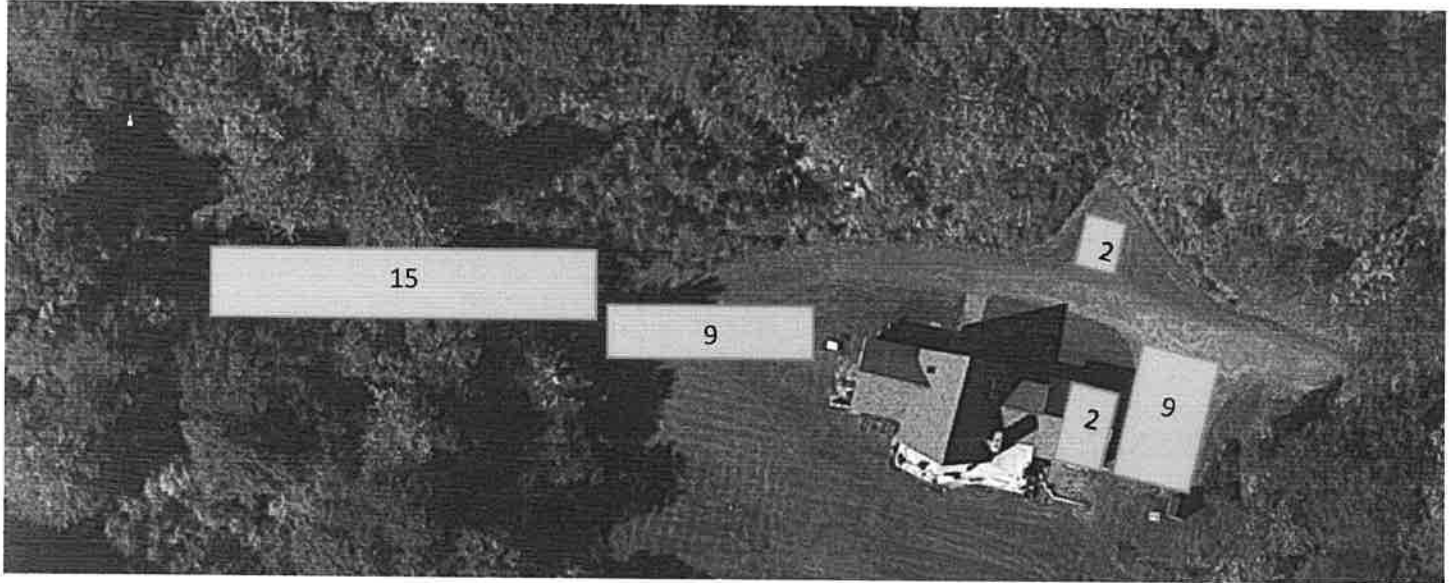
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# Parking



# Lighting

Small bulbs indicate standard sconce lighting. Large bulbs are marked Flood for motion sensing flood lights.

