



ZONING BOARD OF APPEALS
WHATELY, MASSACHUSETTS

Updated 05-2021

TOWN OF WHATELY
TOWN CLERK

APPLICATION FOR VARIANCE, SPECIAL PERMIT, OR APPEAL

2022 AUG 11 AM 11:59

To: Town Clerk
Whately, Massachusetts

Application fees: * Residential/Agricultural Use: \$175 X
(check one) Commercial/Industrial Use: \$225

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: create a flag lot from an
existing lot

on premises located at 113 North St
(street address)

Zone 31-0-13-3
(Map and Parcel No.)

Owned by Julie Sibley of 113 North St. So. Deerfield MA 01373
(name of owner) (address of owner)

Name of applicant: Julie Sibley Signature of applicant: Julie Sibley
(print or type)

Mailing address of applicant: 113 North St
So. Deerfield MA 01373

Phone No. of applicant: 413-325-3568 Email of applicant:

Relationship to owner:

*The full cost of advertising all legal notices required to hold a public hearing by the Zoning Board of Appeals shall be the responsibility of the applicant. The applicant shall make full payment of the advertisement costs prior to the opening of the public hearing. If the applicant does not make full payment of the advertising costs prior to the opening of the public hearing then the Zoning Board of Appeals shall open the public hearing and immediately continue the public hearing to a date, time and place certain. The payment of all advertising costs shall be in addition to any other fees charged by the Zoning Board of Appeals. The advertising costs will vary by application and will be provided to the applicant once the legal ad is submitted to the newspaper and the newspaper provides the quote. The applicant will be informed of that cost and the payment can be made payable to the Town of Whately.

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.



300 foot Abutters List Report

Whately, MA
August 11, 2022

Subject Property:

Parcel Number: 31-0-13-3
CAMA Number: 31-0-13-3
Property Address: 113 NORTH ST

Mailing Address: SIBLEY JULIE
113 NORTH ST
S DEERFIELD, MA 01373

Abutters:

Parcel Number: 25-0-08
CAMA Number: 25-0-08
Property Address: E/S NORTH ST

Mailing Address: SCOTT DAVID L
89 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 30-0-03
CAMA Number: 30-0-03
Property Address: 125 NORTH ST

Mailing Address: COLLINS CAROLYN VARON DOROTHY
PO BOX 704
WHATELY, MA 01093

Parcel Number: 30-0-04
CAMA Number: 30-0-04
Property Address: 121 NORTH ST

Mailing Address: PEARSON DEBORAH, LIFE ESTATE
LAPIERRE SUZANNE, SCHUMANN JEN
121 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-08
CAMA Number: 31-0-08
Property Address: 122 NORTH ST

Mailing Address: NYE WALTER & SYLVIA LF/EST
STEWART GAIL & VALLEE JAMIE
122 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-09
CAMA Number: 31-0-09
Property Address: 120 NORTH ST

Mailing Address: BARON FREDERICK U & SUSAN
120 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-10
CAMA Number: 31-0-10
Property Address: 118 NORTH ST

Mailing Address: GIERING SCOTT K REVOCABLE TRUS
7251 SOUTHWEST, 34TH STREET RD
MIAMI, FL 33155

Parcel Number: 31-0-11
CAMA Number: 31-0-11
Property Address: E/S NORTH ST

Mailing Address: SCOTT DAVID L
89 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-11-1
CAMA Number: 31-0-11-1
Property Address: E/S NORTH ST

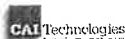
Mailing Address: WHEELOCK DONALD F ANNE HUNTER
WHEELOCK
108 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-12
CAMA Number: 31-0-12
Property Address: 111 NORTH ST

Mailing Address: ADAMS CHAD D ADAMS STANLEY L JR
111 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-13
CAMA Number: 31-0-13
Property Address: W/S NORTH ST

Mailing Address: SCOTT DAVID L
89 NORTH ST
S DEERFIELD, MA 01373



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

8/11/2022

Page 1 of 2



300 foot Abutters List Report

Whately, MA
August 11, 2022

Parcel Number: 31-0-13-1
CAMA Number: 31-0-13-1
Property Address: 115 NORTH ST

Mailing Address: SIBLEY RANDY K & LYNN M
PO BOX 179
WHATELY, MA 01093

Parcel Number: 31-0-13-2
CAMA Number: 31-0-13-2
Property Address: 107 NORTH ST

Mailing Address: SCOTT LYNDON L LIFE EST SIBLEY
LYNN M
107 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-14
CAMA Number: 31-0-14
Property Address: 108 NORTH ST

Mailing Address: WHEELOCK DONALD F ANNE HUNTER
WHEELOCK
108 NORTH ST
S DEERFIELD, MA 01373

Parcel Number: 31-0-15
CAMA Number: 31-0-15
Property Address: 106 NORTH ST

Mailing Address: MARKLAND JUDITH SAUNDERS
WILLIAM D
PO BOX 804
WHATELY, MA 01093



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

8/11/2022

Page 2 of 2

Narrative for Sibley Flag Lot Request

To the Whately Zoning Board:

Attached is an application to redesign an existing lot into a flag lot. Back in 2010 when this lot was first created, it was our belief that we could not create a flag lot because the overall lot had already been divided when Lynn and Randy Sibley's lot was created in 1991. The existing lot is very oddly shaped in order to give the lot the 200' of frontage we thought was necessary. However, it seems that we had misinterpreted the flag lot regulations as the ZBA has approved other flag lots that have been created from lots that had been previously divided after 1987.

We ask that the ZBA approve this request as it will allow the two small non-conforming lots that are surrounded by this main lot more options in the future for things like septic or well repairs. Lynn and Randy Sibley asked that I consider creating this flag lot with the deeding of 100 feet of the road frontage to the former Lyndon Scott property now owned by Lynn to give them more options for septic placement which is inevitable given the age of the existing system as well as making sure there is distance from their newly installed well. Chad Adams, my other neighbor is interested in having more land for his tiny non-conforming lot as well.

Visually, this change would not make a difference except that the Sibley's may clear some of the land south of the home at 107 North Street to make it more presentable. Presently the invasive plants are taking over this area.

We believe that this change will not be detrimental to the neighborhood and will allow my neighbors a little more space for their lots. We hope you look favorably on this application. If a flag lot is approved we will then apply to the Planning Board for the ANR.