



Town of Cummington  
33 Main Street  
P.O. Box 128  
Cummington, MA 01026  
(413) 634-5354 • Fax (413) 634-5568

## Zoning Board of Appeals

### **Instructions and Procedures for applying for Special Permits, Variances, or Appeals**

1. Obtain/download this 4 page Application Packet with instructions. These are available in the vestibule of the Community House, or [www.cummington-ma.gov/](http://www.cummington-ma.gov/)
2. **Please complete "Application for Special Permit, Variance, or Appeal"** (page 2). Assessors' Map and Lot numbers can be found on a recent Tax Bill or acquired from the Board of Assessors. The Assessors meet on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of each month at 6:30 pm, at the Community House. Assistant's hours are Mondays 9:30 – 11:30 am (or call 200-5010).
3. **Please complete "Assessors' Notification"** (page 3).
4. **Please prepare a scale drawing of the property.** Include all buildings and structures, and identifying features such as streets, driveways, parking spaces, rivers or streams, stonewalls, sign locations, etc. **If your application involves construction you should also submit copies of the Plans used (or that will be used) in your Building Permit application.** In general, the more prepared and the more documentation you present, the fewer questions the ZBA will have. Questions that cannot be answered by your presentation at the Hearing often result in a delay of the process.
5. **Please call the ZBA Chair or ZBA Clerk,** that person will make a quick review of your application to make certain that it is complete. This will only take a moment or two. The ZBA member will not pass judgment on the merits of your application, but simply check to make certain that it is complete. In the past, incomplete applications have had to be returned causing delays of several weeks. This does not benefit anyone, and is extremely frustrating for both the applicant and the ZBA. It is hoped that this procedure will eliminate these situations, although ultimately the responsibility for the completeness of the application still rests with the applicant.
6. **After having had your application reviewed by the ZBA Chair or Clerk,** please mail or deliver the "Assessors' Notification" (page 3) to the Board of Assessors. The Assessors will then provide a list of abutters to the ZBA.
7. **Please bring your Application** (page 2) **to the Town Clerk.** You must also bring a check in the amount of \$100.00 made payable to the "Town of Cummington". This is to help defray the cost of publishing the Legal Notice of the hearing in local newspaper(s). Town Clerk's hours are Thursday from 4:00 pm – 8:00 pm at the Community House (phone 200-5011).
8. A hearing will be scheduled within 65 days of the Town Clerk's receipt of the completed application. The applicant, all abutters, and all town Boards are notified by mail of the time and date of the hearing. Notice of the hearing is also published in the "Legal Notice" section of the local newspaper(s). Hearings take place at the Community House.
9. After the hearing, the ZBA makes its decision within 90 days. The decision is then filed with the Town Clerk within 14 days. Notice of the decision is mailed to all town Boards and abutters. The Town Clerk holds the decision for 20 days to see if anyone appeals it. If the decision is not appealed, the applicant may obtain from the Town Clerk the "Notice for Recording" and take this form to the Registry of Deeds for recording, and then return a signed copy to the Town Clerk, who then files it with the record of the proceedings.



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Zoning Board of Appeals

**Application for Special Permit, Variance, or Appeal**

Name of Applicant: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_

Location of Property: \_\_\_\_\_  
 (Street number and name, and Assessors' Map and Lot numbers)

Applicant is \_\_\_\_\_. (Owner, tenant, licensee, prospective buyer, etc.)

Applicable section(s) of the Zoning By-law: \_\_\_\_\_

(It is very important that you cite all applicable sections of the Zoning By-law from which you are seeking relief. At the hearing the ZBA can only decide on matters that were included in the published/posted Public Notice of the hearing. The reasoning being that the public has the right to offer input on any given matter and be present at the hearing, but if they weren't accurately informed as to the nature of the hearing, how could they know whether or not to participate?)

Date of denial or Notice of Violation (if applicable) by the Building Inspector, Planning Board, etc. \_\_\_\_\_ (Please include a photocopy of denial or Notice of Violation.)

Please describe the nature of your request: (If necessary, use the back of this page, or attach a page to it.)

I request a hearing before the Zoning Board of Appeals in regard to the matter stated above.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ZBA Chair or Clerk's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received from Applicant, the amount of **\$100.00** to apply toward advertising costs and expenses.

Town Clerk's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 The Town Clerk cannot accept this application until after the ZBA Chair or Clerk has signed in the box above.



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**Assessors' Notification**

Board of Assessors  
 Town of Cummington  
 33 Main Street  
 P.O. Box 74  
 Cummington, MA 01026

The applicant listed below has applied for a Hearing with the Zoning Board of Appeals. The applicant has provided the following information; please furnish the ZBA with a list of abutters for the property described below. Thank you.

Name of Applicant: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_

Location of Property: \_\_\_\_\_  
 (Street number and name, and Assessors' Map and Lot numbers)

**Applicant: If you choose to mail this completed form to the Board of Assessors make certain to use P.O. Box 74, Cummington, MA 01026.**

ZBA Chair or Clerk's Signature: _____ Date: _____
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## Zoning Board of Appeals

### Member List

#### **Members**

Carla Ness, **Chair**  
53 Swift River Road  
Cummington, MA 01026  
634-8081

Michael Holden, **Clerk**  
18 Main Street  
Cummington, MA 01026  
634-0200

Kenneth Howes  
35 Nash Road  
Cummington, MA 01026  
634-5439

Ernest Strong  
73 Potash Hill Road  
Cummington, MA 01026  
634-5536

Mark Bevan  
83 Porter Hill Road  
Cummington, MA 01026  
634-6004

#### **Associate Member(s)**

Eric Smith  
156 Nash Road  
Cummington, MA 01026  
634-5751