

Town of Blandford Zoning By-law Hearing



January 21, 2021 – 7 PM
Blandford Planning Board & Zoning Board of Appeals

Blandford Town Hall, Selectmen's Office, 1 Russell Stage Road, Blandford, MA 01008

Good evening.

This is a joint hearing of the Blandford Zoning Board of Appeals, Donald Brainerd, Chair and the Blandford Planning Board, Michael Hutchins, Chair.

Due to COVID-19, we are meeting with our constituents virtually as posted.

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Hearing legal notices have been posted in the Country Journal on 1/07 and 1/14/21, the Town of Blandford website, the Town Bulletin Board the Town Library and Town Office. Handouts may be printed out from the Town web site or picked up at the Town Office.

Articles:

To recodify, and therefore amend, the Zoning By-Law to make the By-Law easier for users to navigate, simplify, and update its language, and provide better structure for predictability and flexibility in both the interests of current use and future adaptability, by:

1. Reorganizing and renumbering portions of the Zoning-Bylaw to enhance accessibility and adaptability;
2. Updating and clarifying the purpose and authority of the Zoning By-Law to clearly state the Town's legal and factual premises for zoning regulations;
3. Providing consistency with present State law;
4. Eliminating redundant or unnecessary provisions; making amendments such as correcting spelling and typographical errors, and eliminating or updating outdated statutory references;
5. Revising and clarifying Zoning By-Law administrative provisions;
6. Updating the sign section of the By-Law;
7. Adding new criteria for Special Permit approval

and by taking the following actions:

Articles (continued)

1. Deleting in their entirety the following provisions of the existing Zoning By-Law:

Section I	Purpose
2.1	Use of Structure (Non-Conforming Uses)
2.2	Alteration (Non-Conforming Uses)
2.3 and 2.3.1	Extension (Non-Conforming Uses)
2.4	Abandonment (Non-Conforming Uses)
2.5	Changes (Non-Conforming Uses)
3.3.3	Address of lot and lot assignments
4.1.1.6 (a)(b)(c)(d)(e)	Home occupations
5.2.1-5.2.10	Signs regulations
5.5.5	Variances
5.6	Appeals to Housing Court
Section VII	Planning and Zoning Authorized to Act
Section IX	Site Plan Review

Articles (continued)

2. Replacing the following provisions of the Zoning By-Law whose proposed changes are on file in the office of the Town Clerk and the Planning Board:

Section I	Purpose
2.1	Applicability
2.2	Nonconforming Uses
2.3	Non-Conforming Structures
2.4	Special Permit Required
2.5	Nonconforming Single and Two-Family Residential Structures
3.3.3	Changing Address and Lot Numbers
4.1.1.6(a)(b)	Home occupations
5.2.1-5.2.9	Permanent Signs, Temporary Signs and Placement of Signs
5.5.5	Variances
5.6	Appeals
Section VII	Administration and Procedures
Section IX	Site Plan Review and Special Permits

Articles (continued)

3. Adding the following provisions to the Zoning By-Law whose proposed changes are on file in the office of the Town Clerk and the Planning Board:

2.2.1	Farms in the residential district (Nonconforming Uses)
2.6	Abandonment or Non-Use
2.7	Reconstruction After Catastrophe or Demolition
2.8	Reversion to Nonconformity
5.2.10-5.2.12	Sign Permits
7.1	Enforcement Officer; Penalty; Permits; Exemptions
7.1.1	Building Commissioner
7.1.2	Violations
7.1.3	Enforcement
7.1.4	Further Action
7.1.5	Penalty
7.2	Board of Appeals
7.2.1	Establishment
7.2.2	Powers of the Board of Appeals
7.2.3	Rules and Regulations
7.2.4	Fees
7.3	Planning Board
7.3.1	Establishment
7.3.2	Powers
7.3.3	Associate Member
7.3.4	Rules and Regulations
7.3.5	Fees
9.2	Special Permits
9.2.1	Special Permit Granting Authority
9.2.2	Criteria
9.2.3	Procedures
9.2.4	Conditions
9.2.5	Plans
9.2.6	Regulations
9.2.7	Fees

And by taking any action related thereto



Town of Blandford Planning Board Agenda

January 21, 2021 – 7:00 PM

- 7:00 PM Open Meeting
 - Meeting is being recorded
 - Ask those attending this virtual meeting to identify themselves for the meeting minutes
 - Handouts are available on the Town's website, Town Office and Library
- Begin meeting with introduction of Planning Board and Zoning Board members in attendance
- Identify those who will be recognized with questions that have been submitted. They will be recognized, either during the presentation as warrants or at the end of the presentation.
- Begin presentation of zoning By-law proposed changes.
- Question and answer session at the end of the presentation.
- Close meeting.

Article 13: To see if the Town will vote to amend Zoning By-law
SECTION I: PURPOSE:

by deleting:

The purposes of this Bylaw are to promote the health, safety, and general welfare of the inhabitants of the Town of Blandford, to protect and conserve the value of property within the Town; and to secure safety from fire, congestion, or confusion, all in accord with the General Laws of the Commonwealth of Massachusetts, Chapter 40A.

as contained therein

and inserting in place thereof the following:

These regulations are enacted to promote the general welfare of the Town of Blandford, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

In accordance herewith or take any other relative action thereto.

Article 14: To see if the Town will vote to amend Zoning By-law
SECTION II: NONCONFORMING USES:

by deleting:

2.1 USE OF STRUCTURE

The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure or use does not conform to the provisions of the Bylaw.

2.2 ALTERATION

A nonconforming structure may be altered, repaired or rebuilt, but such alteration or restoration shall not depart further from the requirements of this Bylaw than the nonconforming condition or conditions existing in such structure prior to such alteration or restoration.

as contained therein

and inserting in place thereof the following:

2.1 APPLICABILITY

This zoning Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to building or special permit issued before the first publication of notice of the public hearing on such relevant portion of the By-Law required by G.L. c. 40A, s. 5. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

2.2 NONCONFORMING USES

The Board of Appeals may issue a special permit to change or substantially extend a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

In accordance herewith or take any other relative action thereto.

Article 15: To see if the Town will vote to amend its Zoning By-law,
SECTION II, NONCONFORMING USES,

by deleting:

2.3 Extension. Any structure or land, or part thereof, which at the time this Bylaw is adopted is being put to a nonconforming use may be altered or enlarged in that use to an extent not exceeding 25 percent of the area at the time this Bylaw is adopted.

2.3.1 In appropriate cases and with appropriate safeguards the Board of Appeals may grant special permits to further extend nonconforming uses with respect to farms located in residential district.

as contained therein

and inserting in place thereof the following:

2.3 NONCONFORMING STRUCTURES

The Board of Appeals may issue a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be more detrimental than the existing nonconforming structure to the neighborhood.

In accordance herewith or take any other relative action thereto.

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Article 16: To see if the Town will vote to amend the Zoning By-law

SECTION II: NONCONFORMING USES

by deleting:

2.4 ABANDONMENT

A nonconforming Use which has been abandoned for a year or more shall not be reestablished, and any future use shall conform with this Bylaw.

2.5 CHANGES

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

as contained therein

and inserting in place thereof the following:

2.4 SPECIAL PERMIT REQUIRED

Except as provided in subsection 2.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall or along the same nonconforming distance, within a required yard, shall require the issuance of a special permit from the Board of Appeals.

2.5 NONCONFORMING SINGLE AND TWO-FAMILY RESIDENTIAL STRUCTURES

Nonconforming single-family and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure:

- a) Alteration to a structure located on a lot with insufficient areas where the alteration will comply with all current setback, yard, building coverage, and building height requirements.
- b) Alteration to a structure located on a lot with insufficient frontage where the alteration will comply with all current setback yard, building coverage, and building height requirements.
- c) Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be more detrimental than the existing nonconforming structure to the neighborhood.

or take any other relative action thereto.

ARTICLE 17: To see if the Town will vote to amend its Zoning By-law
SECTION 11: NONCONFORMING USES, to insert new
Sub Sections 2.6: ABANDONMENT OR NON-USE,
2.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION, and
2.8 REVISION TO NONCONFORMITY, as follows or take any other relative action thereto:

2.6 ABANDONMENT OR NON-USE

A nonconforming use or structure that has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning By-Law.

2.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION

A nonconforming single-family or two-family structure may be reconstructed as of right after a catastrophe or after demolition in accordance with the following provisions:

- a) Reconstruction of said premises shall commence within two years after such catastrophe or demolition and
- b) Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure, and shall meet all applicable requirements for yards, setback and height.

In the event that the proposed reconstruction would cause the structure to exceed the volume or area of the original nonconforming structure or would exceed applicable requirements for yards, setback, and/or height or would cause the structure to be located other than on the original footprints, a special permit for such reconstruction shall be required from the Board of Appeals prior to such demolition.

2.8 REVERSION TO NONCONFORMITY

No nonconforming use or structure shall, if changed to a conforming use or structure, revert to a nonconforming use or structure.

Article 18: To see if the Town will vote to amend the Zoning By-law
SECTION III: ESTABLISHMENT OF DISTRICTS,
Sub Section 3.3.3 BOUNDARIES OF RESIDENTIAL DISTRICT,

by deleting:

It proceeds northerly along the
western boundary of lot 12 to the
southern boundary of lot 111-0-19,
(aka 70 Main Street)

as contained therein and

inserting in place thereof the following:

It proceeds northerly along the
western boundary of lot 12 to the
southern boundary of lot 111-0-19
(aka 79 Main Street)

In accordance herewith, or take any
other relative action thereto.

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ARTICLE 19: To see if the Town will vote to amend Zoning By-law
SECTION III: ESTABLISHMENT OF DISTRICTS,
Sub Section 3.3.3 BOUNDARIES OF BUSINESS DISTRICT,

by deleting:

The business will continue from the intersection of Russell Stage Road and Maple Lane including all of the lots between Maple Lane and the Mass Turnpike including lot 30 (aka 10 Maple Lane). Then continuing along the western border of lot 29 then west along the southern border of lot 5 then southerly along the east side of lots 8 and 9 (aka 4 and 6 respectively) and westerly along the southern border of lot 9 to North Street.

as contained therein and

inserting in place thereof the following:

The business will continue from the intersection of Russell Stage Road and Maple Lane including all of the lots between Maple Lane and the Mass Turnpike including lot 30 (aka 10 Maple Lane). Then continuing along the western border of lot 29 then west along the southern border of lot 5 then southerly along the east side of lots 8 and 9 to the east side of North Street, then south along the west side of lot 109-0-9 and along the west side of lot 5 109-0-10 (aka 6 and 4 North Street respectively).

In accordance herewith, or take any other action thereto.

ARTICLE 20: To see if the Town will vote to amend Zoning By-law
SECTION IV: PROVISIONS FOR DISTRICTS,
Sub Section 4.1: RESIDENTIAL DISTRICT,
Sub Section 4.1.1: Uses Permitted; Sub Section 4.1.1.6,

By deleting:

- (a) No display of goods or advertising outside except for a sign not more than 2 square feet.
- (b) Location of standing signs. Minimum distance from public right of way, twelve (12) feet from intersection, twenty-five (25) feet.
- (c) Such occupations shall include but not be limited to: Architect, Hairdresser, Art Gallery, Interior Designer, Boutique, Laundress, Craft Shop, Real Estate, Dressmaker, Carpenter, Home Manufacturing, Painter, Plumber, and Electrician
- (d) Office for the practice, by a resident, of a recognized profession, i.e. doctor, dentist, lawyer.

inserting in place thereof the following:

- (a) Such occupations shall include but not be limited to: Architect, Hairdresser, Art Gallery, Interior Designer, Boutique, Laundress, Craft Shop, Real Estate, Dressmaker, Carpenter, Home Manufacturing, Painter, Plumber, and Electrician
- (b) Office for the practice of a recognized profession, i.e. doctor, dentist, lawyer.

In accordance herewith, or take any other relative action thereto.

as contained therein and

ARTICLE 21: To see if the Town will vote to amend Zoning By-Law
SECTION V: ADMINISTRATION & SIGNS,

by deleting:

5.2 SIGNS

5.2.1 Maximum Size 6 square feet (except in residential zone, see Section 10.2.9).

5.2.2 One sign per business

5.2.3 Moving signs of any type are specifically prohibited.

5.2.5 Time: No sign may be illuminated between 12 P.M. and 6 A.M. except signs identifying police and fire stations and public telephones.

5.2.6 The provisions of Sections 10.2.3. – 10.2.5 shall apply not only to exterior signs but also to interior signs that are designed or placed so as to shine through windows or doors of the building.

5.2.7 Temporary signs for sale or rental of property and temporary signs for contractor when building are permitted.

inserting in place thereof the following:

5.2 SIGNS

5.2.1 PERMANENT SIGNS

Any sign that is permanently attached to a building or to any wall or to posts that are placed below the frost line in the ground or attached to a concrete foundation. This includes window signs or any other sign that is intended to be permanent.

5.2.1.1 Maximum size: six (6) square feet in all districts

5.2.1.2 One sign per business.

5.2.1.3 Moving signs of any type are specifically prohibited

5.2.1.4 Illumination: Moving and flashing signs are prohibited.

ARTICLE 21: To see if the Town will vote to amend Zoning By-Law
SECTION V: ADMINISTRATION & SIGNS, (continued)

by deleting:

5.2.8 No non-accessory sign shall be erected or maintained.

5.2.9 In residential areas, signs are permitted only with specific permission from the Board of Appeals. In this area, signs shall be two (2) square feet maximum. Location of standing signs – minimum distance from public right of way, twelve (12) feet - from intersection, twenty-five (25) feet.

5.2.10 Detailed plans for the design and placement of any sign must be submitted to the Board of Appeals.

As contained therein and

inserting in place thereof the following:

5.2.1.5 No signs can be illuminated between 9pm and 6am except signs illuminating police and fire stations.

5.2.2 TEMPORARY SIGNS

Any sign, including its supporting structure, and which is not permanently mounted, This includes any sign designed to be transported, including but not limited to trailer signs and signs with an “A or T” frame used for support.

5.2.2.1 Yard sale signs must be placed three days before an event and removed the day after the event

5.2.2.2 Temporary signs including property for sale or rent and contractor signs during construction are permitted and must not exceed four square feet.

5.2.2.3 No non-accessory signs shall be erected or maintained.

5.2.2.4 Temporary signs are to be maintained for a period of no more than three months.

5.2.3 PLACEMENT OF SIGNS No sign may be placed within twelve (12) feet of the edge of any road or so as to constitute a hazard to pedestrians or vehicular traffic. No sign shall be placed within the clear sight triangle so as to obstruct the clear visibility at the intersection in a manner that will jeopardize the safety to vehicles or pedestrians.

In accordance herewith, or take any other relative action thereto.

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ARTICLE 22: To see if the Town will vote to amend its Zoning By-law
SECTION V: ADMINISTRATION & SIGNS, to insert new
Sub Sections, as follows, or take any other action relative thereto:

5.2.4 SIGN PERMITS Detailed plans for the design and placement permanent must be submitted to the board of appeals. The permit fee is twenty dollars (\$20.00) payable to the Town of Blandford.

5.2.5 Any sign, temporary or permanent, that is larger than six (6) square feet in size, must have a special permit from with the Zoning Board of Appeals.

5.2.6 All signs must be kept in good repair. Any sign that has peeling paint or is damaged in any way must be repaired within thirty days of notification by the building inspector or face removal.

ARTICLE 23: To see if the Town will vote to amend Zoning By-law
SECTION V: ADMINISTRATION & SIGNS,
by deleting, as follows, or take any other relative action thereto:

5.4 ENFORCEMENT

5.4.1 This By-law, and any amendment thereto, shall be administered by the Building Inspector who shall be appointed for a period of one (1) year, or until a successor is appointed. He shall receive remuneration for his duties in an amount to be set by the Board of Selectmen. He shall approve no application for permits required under this By-law for buildings or structures of any kind for which plans and specifications, and intended use are not in all ways in conformity with this By-law. He shall have full authority with the approval of the Board of Selectmen to prosecute in any Court of proper jurisdiction, any action, suit or proceeding for the enforcement of this by-law.

5.4.2 This By-law shall be enforced by the Selectmen or a Building Inspector appointed by them. No building shall be built or structurally altered and no use of land or a building shall be begun or changed without a permit having been issued by the building Inspector. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector.

5.4.3 Any person violating any of the provisions of this By-law shall be fined not less than twenty (20) dollars or more than fifty (50) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

ARTICLE 23: To see if the Town will vote to amend Zoning By-law
SECTION V: ADMINISTRATION & SIGNS, by deleting, as follows, or take any other
relative action thereto: (continued)

5.5 BOARD OF APPEALS

A Board of Appeals is hereby established as provided under the General Laws of the Commonwealth of Massachusetts, Chapter 40A to consist of three (3) members and three (3) associate members, to pass upon matters which may be brought before them. They shall be appointed by the Selectmen for terms of one, two, and three years the term of one member expiring each year. Thereafter, appointments are to be for three (3) years. Vacancies shall be filled by the Selectmen for the balance of any unexpired term.

No member shall act in any case in which he may have a personal or financial interest, an associate member being designated in such cases by the Chairman of the Board of Appeals.

5.5.1 Method of Appeal

Any person aggrieved by a decision of the Selectmen, or their appointed inspector, may appeal from such decision to the Board of Appeals created by this Bylaw.

5.5.2 Time of Appeal

An appeal may be made at any time not later than thirty (30) days after the occurrence causing the grievance.

ARTICLE 23: To see if the Town will vote to amend Zoning By-law
SECTION V: ADMINISTRATION & SIGNS, by deleting, as follows,
or take any other relative action thereto: (continued)

5.5.3 Public Hearings and Notice

In the case of every appeal made to said Board and of every application for permit or variance made to it under the provisions of this Bylaw, the Board of Appeals shall hold a public hearing to consider the appeal or application in question and shall cause a notice thereof to be published in a newspaper of general circulation in the Town of Blandford not less than fourteen (14) days before the date set for said hearing and shall cause a copy of the notice to be sent by USPS mail to all abutting land owners as shown by the records of the Assessors of the Town of Blandford and to any other person or persons who, in the opinion of the Board of Appeals, may be interested in said application or appeal.

5.5.4 Special Permits

At all times hereafter the Board of Appeals may grant a special permit for an exception, as provided by sections of this Bylaw, where it shall have found that the use involved will not be detrimental to the established or future character of the neighborhood and Town and subject to appropriate conditions or safeguards if deemed necessary.

5.5.5 Variances

At all times hereafter, after giving notice and holding any public hearing in the manner provided by this By-law, the Board of Appeals may authorize, with respect to a particular building or parcel of land, a variance from any of the terms of this Bylaw, owing to conditions especially affecting said building or parcel but not affecting generally the Zoning District in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship to the owner of said building or parcel and where desirable relief may be granted without substantial detriment to the public good and without substantial derogation from the intent or purpose of this Bylaw, but not otherwise.

ARTICLE 24: To see if the Town will vote to amend Zoning By-law
SECTION V: ADMINISTRATION & SIGNS,

by deleting:

5.6 APPEALS TO HOUSING COURT Any person aggrieved by the decision of the Board of Appeals may appeal to the Superior Court sitting in equity for Hampden County, provided that such appeal is filed in said Court within twenty (20) days after such decision is recorded.

5.7 AMENDMENTS

as contained therein and

inserting in place thereof the following

5.4 APPEALS Any person aggrieved by a decision of the Board of Appeal or any special permit granting authority, or by the failure of such Board of Appeal or special permit granting authority to take final action within the required time, may appeal from such decision or failure to act to a court of competent jurisdiction within the time and in the manner provided pursuant to G.L. c. 40A, § 17.

5.5 AMENDMENTS

In accordance herewith, or take any other relative action thereto

ARTICLE 25: To see if the Town will vote to amend Zoning By-law,:

by deleting

SECTION VII: PLANNING AND ZONING AUTHORIZED TO ACT

A Planning Board and Board of Appeals are hereby authorized to act under the General Laws of the Commonwealth of Massachusetts Chapter 41 –Sections 81K-8IGG. The Planning Board shall consist of five elected members.

Inserting in place thereof the following

SECTION VII: ADMINISTRATION AND PROCEDURES

In accordance herewith, or take any other relative action thereto.

as contained therein and

ARTICLE 26: To see if the Town will vote to amend its Zoning By-law SECTION VII, to insert new Sub Sections, as follows, or take any other action relative thereto:

7.1 ENFORCEMENT OFFICER; PENALTY; PERMITS; EXEMPTIONS.

7.1.1 BUILDING COMMISSIONER The Building Commissioner appointed under the provisions of MGL c. 143 and Chapter 753 of the Acts of 1968, as amended, is hereby designated and authorized as the officer charged with the interpretation and enforcement of this bylaw.

7.1.2 VIOLATIONS If the Building Commissioner is informed or has reason to believe that any provision of this bylaw is being violated, he/she shall make or cause to be made an investigation of the facts and inspect the property where such violation may exist.

ARTICLE 26: To see if the Town will vote to amend its Zoning By-law
SECTION VII, to insert new Sub Sections, as follows, or take any other action relative
thereto: (continued)

7.1.3 ENFORCEMENT If upon such investigation and inspection he/she finds evidence of such violation, he/she shall give notice thereof in writing to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Commissioner deems reasonable. Such notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors of the Town and to the occupant at the address of the premises.

7.1.4 FURTHER ACTION If after such notice and demand the violation has not been abated within the time specified therein, the Building Commissioner shall, as he/she may be duly authorized, institute appropriate action or proceedings in the name of the Town of Blandford to prevent, correct, restrain or abate such violation of this bylaw.

7.1.5 PENALTY Anyone who violates a provision of this bylaw, including without limitation any term or condition of a variance, site plan review decision or special permit, shall be punishable by a fine of not more than \$300 for each offense. Each day during which any portion of a violation continues under the provisions of this section shall constitute a separate offense.

ARTICLE 27: To see if the Town will vote to amend its Zoning By-law SECTION VII, to insert new Sub Sections, as follows, or take any other action relative thereto:

7.2 BOARD OF APPEALS

7.2.1 ESTABLISHMENT There shall be a Board of Appeals of three members appointed by the Select Board for Three-year term. The Select Board shall also appoint three associate members of the Board of Appeals. The appointment, service and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in MGL c. 40A.

7.2.2 Powers the Board of Appeals shall have and exercise all the powers allowed to it by MGL Chapters 40A, 40B, and 41 and by this bylaw, including but not limited to the following:

- a) To hear and decide applications for special permits when designated as the SPGA herein.
- b) To grant, upon appeal or petition, with respect to particular land or structures or to an existing building thereon, a variance from the terms of this bylaw where, owing to circumstances relating to the soil conditions, shape or topography of such land or structures and owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw. The Board of Appeals shall not grant use variances

ARTICLE 27: To see if the Town will vote to amend its Zoning By-law
SECTION VII, to insert new Sub Sections, as follows, or take any other action
relative thereto: (continued)

c) To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of MGL c. 40A §§ 8 and 15 or by any person including an officer or board of the Town aggrieved by an order or decision of the Building Commissioner or other administrative official in violation of any provision of Chapter 40A or of this bylaw.

d) To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in MGL c. 40B, §§ 20-23.

e) To sit as a board of appeals for purposes of MGL c. 41, § 81Z, and issue permits in accordance therewith.

ARTICLE 27: To see if the Town will vote to amend its Zoning By-law
SECTION VII, to insert new Sub Sections, as follows, or take any other action relative
thereto: (continued)

7.2.3 RULES AND REGULATIONS The Board of Appeals may adopt rules and regulations, not inconsistent with the provisions of this Zoning Bylaw, for the conduct of its business and for purposes of G.L. c.40A, and shall file a copy of such rules in the office of the Town Clerk.

7.2.4 FEES The Board of Appeals may adopt reasonable technical review fees for petitions for special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations.

7.2.5 VARIANCES

The Zoning Board of Appeals may grant, upon appeal or petition, with respect to The Zoning Board of Appeals may grant, upon appeal or petition, with respect to particular land or structures or to an existing building thereon, a variance from the terms of this bylaw where, owing to circumstances relating to the soil conditions, shape or topography of such land or structures and owing to conditions especially affecting such parcel or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.

The Board of Appeals shall not grant use variances.

ARTICLE 28: To see if the Town will vote to amend its Zoning By-law SECTION VII, to insert new Sub Sections, as follows, or take any other action relative thereto:

7.3 PLANNING BOARD

7.3.1 ESTABLISHMENT Pursuant to MGL c. 41 and Chapter 753 of the Acts of 1968, there shall be a Planning Board of five elected members. DRAFT

7.3.2 POWERS The Planning Board shall have and exercise all the powers granted to it by MGL Chapters 40, 40A and 41 and by this bylaw, including but not limited to the following:

- a) To hear and decide applications for special permits when designated as the SPGA herein.
- b) To review site plans pursuant to § 9.1.

7.3.3 ASSOCIATE MEMBER The Select Board shall appoint an associate member to serve for one year, or until replaced. In the case where the Planning Board is the SPGA, the Chairman of the Planning Board may have the associate member sit on the Board for the purpose of acting on a special permit application, in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

ARTICLE 29: To see if the Town will vote to amend Zoning By-law,
SECTION IX,

by deleting:

SECTION IX: SITE PLAN REVIEW

as contained therein and

Inserting in place thereof the following:

SECTION IX: SITE PLAN REVIEW AND SPECIAL
PERMITS

In accordance herewith, or take any other relative action
thereto.

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ARTICLE 30: To see if the Town will vote to amend its Zoning By-law
SECTION IX, to insert new Sub Sections, as follows, or take any other action relative thereto:

9.2 SPECIAL PERMITS

9.2.1 SPECIAL PERMIT GRANTING AUTHORITY Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

9.2.2 CRITERIA

Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

- a) Social, economic, or community needs which are served by the proposal;
- b) Traffic flow and safety, including parking and loading;
- c) Adequacy of utilities and other public services;

ARTICLE 30: To see if the Town will vote to amend its Zoning By-law SECTION IX, to insert new Sub Sections, as follows, or take any other action relative thereto: (continued)

- d) Neighborhood character and social structures;
- e) Impacts on the cultural, historical, and natural environments; and
- f) Potential fiscal impact, including impact on town services, tax base, and employment.

9.2.3 PROCEDURES An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

9.2.4 CONDITIONS Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

ARTICLE 30: To see if the Town will vote to amend its Zoning By-law SECTION IX, to insert new Sub Sections, as follows, or take any other action relative thereto: (continued)

9.2.5 PLANS An applicant for a special permit shall submit a plan as required by and in substantial conformance with the rules and regulations of the Special Permit Granting Authority. The provisions of this Section should not apply to applications for special permits to reconstruct, extend, alter, or structurally change a nonconforming single or two-family structure. The SPGA shall establish procedures governing such applications by regulation.

9.2.6 REGULATIONS The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.

9.2.7 FEES The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9.2.8 LAPSE Special permits shall lapse within 24 months, not including the time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s.17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

- Any person interested or wishing to be heard, should contact the Planning Board at either our e-mail planning@townofblandford.com or in writing if you would like to be added to the agenda for our virtual meeting.
- Comments in writing are welcomed and can be mailed to the Blandford Planning Board at 1 Russell Stage Road, Blandford, MA 01008.
- Failure to make recommendations on the matter for review shall be deemed lack of opposition thereto.
- A copy of the proposed articles is available for review at the Town of Blandford web site, the Blandford Town Hall, The Porter Memorial Library and the Country Journal legal notices.

Blandford Planning Board - Michael Hutchins, Chair
Blandford Zoning Board of Appeals – Donald Brainerd, Chair