Town of Egremont, Massachusetts

EGREMONT PLANNING BOARD

RULES AND REGULATIONS

Adopted June 6, 1988
Amended as follows:

October 8, 1988	Sections 3.4(b) and 4.6(a)
September 11, 1989	Sections 3.1, 3.3(d), 3.4(a) and 3.5
April 19, 1990	Section 10
July 12, 1999	Section 3.4(a)
August 30, 2010	Section 3.4(a), 3.4(b), 3.4(c), 10.6

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Planning Board Fees

Current as of 5/10/13

Planning Board fees consist of Application Fees and Review Fees. Application Fees remain with the town. Review Fees are the responsibility of the applicant and are used to cover the costs of the town's consultants for review of the plans. They go into a Special Municipal Account (escrow account) and any surplus at the end of the review is refunded to the applicant. Review fees listed below are suggested minimum fees; actual initial fees may vary based on the complexity of the plan. Additional review fees may be required if initial review fees aren't sufficient.

Type of Application	Application Fee	Initial Review Fee
Approval Not Required Plans	$50 for first division of land and $25 for each additional division of land on the plan.	
Preliminary Subdivision Plan	$250 plus $50 per lot	$2500
Definitive Subdivision Plan when a Preliminary Plan has been filed:	$500 plus $75 per lot plus $50 per additional unit beyond 1 per lot.	$7500
Definitive Subdivision Plan when no Preliminary Plan has been filed:	$1000 plus $150 per lot plus $100 per additional unit beyond 1 per lot.	$7500
Special Permit Hearing:	$250 up to 9 abutters plus $10 per additional abutter	
Telecommunications Facilities:		
Initial Facility	$1200	$5000
Secondary Provider	$ 600	$1000
Repeater	$ 150	$ 500
Renewal (section 5.3.17.2)	$ 200	$2500
Emissions evaluation		$1000
Structure inspection		$1000

Earth/Gravel removal	$2500
Multi-family (under 25 units)	$3500
Multi-family (greater than 25 units)	$5,000
Commercial (less than 10 acres)	$3500
Commercial (greater than 10 acres)	$7000
Industrial (less than 10 acres)	$5,000
Industrial (greater than 10 acres)	$10,000
Aquifer	$3500
Detention/retention basins	$3500
Hazardous materials	$5000
Other special uses/specific	$2500

Town of Egremont, Massachusetts

EGREMONT PLANNING BOARD RULES AND REGULATIONS

SECTION 1. GENERAL

Section 1.1. **Authority**

The following rules and regulations are adopted by the Egremont Planning Board for the conduct of hearings and normal business required by Chapter 40A and Chapter 41, of the General Laws, and the Zoning Bylaw of the Town.

Section 1.2. **Powers**

(a) Functions required by statutes.

(1) To make careful studies;

(2) To prepare plans of the resources, possibilities and needs of the Town;

(3) To act as Park Commissioner in the Town if so authorized;

(4) To make a Master or Study Plan;

(5) To have an official map prepared if authorized by Town meeting;

(6) To review and submit a report regarding the layout, alteration, relocation or discontinuance of public ways;

(7) To report annually to the Town meeting regarding the condition of the Town

(b) The Planning Board functions requiring a public hearing are:

(1) To hear proposed zoning amendments in accord with Massachusetts General Laws, Chapter 40A, Section 5;

(2) To hear and decide applications for special permits as authorized by the Zoning Bylaw, in accord with Section VII;

(3) To hear and review site plans as authorized by the Zoning Bylaw.;

(4) To hear and review subdivision plans as required in accord with Massachusetts General Law, Chapter 41, Sections 81Q and W;

(5) To conduct any other hearing required of it by law.

Section 1.3. **Petitioner or Applicant**

A petition or application may be brought by any party in interest as defined by Massachusetts General Laws.

SECTION 2. ORGANIZATION

Section 2.1. **Duties of Members of the Planning Board**

In the conduct of hearings the special duties of the members of the Planning Board shall be as described in Sections 2.2.-2.4.

Section 2.2. **Chairman -- Powers and Duties**

The Chairman shall preside over all meetings and hearings of the Board and shall decide all points of order. He shall appoint such committees or assign tasks as may be deemed

necessary or desirable from time to time to conduct the business of the Board. He shall administer oaths, summon witnesses and call for production of papers, as necessary.

In addition to powers granted by Massachusetts General Laws and Egremont Bylaw and subject to these rules and further instructions of the Board, the Chairman shall supervise the work of the Secretary, if any, arrange for additional assistance, as necessary and exercise general supervision over the Board's activities.

Section 2.3. **Vice-Chairman**

In the absence of the Chairman, the Vice-Chairman shall preside and exercise all of the powers and duties of the Chairman.

Section 2.4. **Clerk**

The Clerk of the Board shall have the responsibility of publishing and posting notices of meetings and hearings, and of mailing notices of hearings and of Board's decisions to persons and Town agencies as provided herein or as required by law.

The Clerk shall keep a detailed record of the Board's proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for Board decisions, and the Board's other official actions, and, subject to the direction of the Board and its Chairman, shall conduct all correspondence of the Board and maintain necessary files and records.

Section 2.5. **Meetings**

For the purpose of duties of the Planning Board covered by these rules and regulations:

(a) A quorum shall consist of three (3) members.

(b) Regular Meetings

Regular meetings of the Board shall be held as necessary at 7:30 p.m. on days as posted at Town Hall or at other times as determined by the Board at the Town Hall or any other place specified in the meeting notice. If a regular meeting day falls on a holiday, the meeting shall be held on the day following unless otherwise provided in the meeting notice.

(c) Special Meetings

Special meetings may be called by the Chairman or at the request of two (2) members. Written notice thereof shall be given to each member at least forth-eight (48) hours before the time set, except that announcement of a special meeting at any meeting attended by all members shall be sufficient notice to the members. Notices shall be posted publicly as required by law.

(d) Working Meetings

In addition to regular meetings, meetings can be scheduled for the specific purpose of field inspection, plan review and planning.

(e) Order of Business

All meetings shall be conducted in accord with the Massachusetts Open Meeting Law, Chapter 39, Sections 23A, 23B and 23C as amended.

The order of business at all regular meetings of the Board shall be as follows:

(1) Roll Call

(2) Minutes of the Previous Meeting

(3) Communications

(4) Unfinished Business

(5) New Business

SECTION 3. SUBMISSION OF PETITION, PLAN OR APPLICATION

Section 3.1. **Application Form**

Any plan, application or petition to the Board shall be made on the official form which shall be furnished by the Clerk on request. All applications for a Special Permit must be filed with the Town Clerk in accordance with Mass. General Laws Chapter 40A, Section 9.

Information called for by these regulations shall be furnished by the applicant in the manner herein prescribed. The applicable provisions of the Bylaws or Rules and the specific nature of the plan, petition or application shall be identified.

Section 3.2. **Filing Date**

(a) All applications, plans or petitions shall be accepted by the Board only at a regular meeting, unless otherwise provided by law.

Section 3.3. **Submissions**

(a) Under Section 1.2(b) (1), (2) and (5), four (4) copies of the application form shall be submitted and shall be accompanied by four (4) copies of plans, sketches or diagrams sufficient to show clearly the nature of the specific request being made by the petitioner. The size of the document(s) shall be eight and one half (8 1/2) inches by eleven (11) inches. Maps and plans shall be eleven (11) inches by seventeen (17) inches, drawn to a scale of one (1) inch equals forty (40) feet unless otherwise required (see paragraphs (b) and (c) below). The document shall have a north point, names of streets, zoning districts, property lines, dimensions of the subject lot, locations of buildings on and use of the lot, if any, names of owners and location of buildings on abutting properties, parking areas, driveways and all other information pertinent to the petition or application as requested by the Zoning Bylaw, other Bylaws or Rules, and these Rules. See paragraph (b) and (c). All changes requested by the petitioner shall be clearly identified.

(b) Under Section 1.2(b), (2) and (3) an application for a special permit and/or a site plan shall contain all other information required by the Zoning Bylaw.

(c) Under Section 1.2(b) (4), a definitive plan shall contain all information required in the Rules and Regulations Governing the Subdivision of Land.

(d) An application for a Special Permit shall also be accompanied by the following:

(1) Landscaping plan.

(2) Snow removal plan.

(3) Location of outdoor storage areas.

(4) Description stating how erosion, noise, and other construction related problems will be minimized.

(5) The amount of cut and fill shall be calculated and the plan for disposal of any materials on or off site shall be indicated.

(6) Statements to the best of the applicant's knowledge of all applicable federal, state and local permits, approvals and variances required and the schedule of the applicant for compliance.

(7) Copies of all reports, applications, permits or licenses, and requests filed by the applicant with all federal, state and local agencies and all responses from these agencies to the extent the same are available at the time of application

(8) Condominium documents, if condominiums are shown on the plan, and bylaws of the home owner's association.

(e) In addition to the requirements of Section 3.3(b), any application for a special permit under the Jug End Residential District shall contain the following:

(1) Legal description of the development site, including easements and existing deed restrictions

(2) Layout of the proposed driveways

(3) Size and number of parking spaces

(4) Landscape plan for buffer areas and common interior open areas

(5) Snow removal plan

(6) Proposed use of open space; form of ownership and copy of all proposed maintenance agreements, rules and regulations, and restrictions for open space

(7) Location of proposed accessory uses, if any, and any adjacent land owned by the applicant

(8) Estimate of the total acres of wet areas and a statement describing how the area was computed and when the data was collected

(9) Information setting forth the number of acres involved and the distribution of each use; the density of development (dwelling units per buildable acre and the dwelling units per acre of residential land) and the area to be covered by impervious surfaces

(10) Preliminary architectural sketches of buildings and sketches of all signage to be used

(11) If the development is to be staged in phases, then the schedule shall indicate how the staging is to proceed; details of each phase (location of buildings, land area, number of units, etc.); sequence of improvements

(12) Anticipated hours of construction, roads to be used for construction, and size of trucks and equipment to be used

(13) A listing, to the best of the applicant's knowledge, of all applicable federal, state, and local permits, variances, etc., required; and a schedule of compliance with each listed permit, variance, etc.

(14) The layout of all non-residential structures designating the floor space allocated to each use, e.g., coffee shop, gift shop

(15) Copies of all reports, applications, permits or licenses, and requests filed by the applicant with all federal, state and local agencies and all responses from these agencies to the extent the same are available at the time of application

(16) Condominium documents, if condominiums are shown on the plan, and bylaws of the home owner's association

(17) All view lines and measures for protection of the same

(18) Plans of all fire protection measures

(19) A list of all measures for mitigation of potential impacts from development.

Section 3.4 **Filing Fee**

(a) Plans, petitions and applications requiring a public hearing, except when otherwise provided by the General Laws, shall be accompanied by a check, payable to the Town of Egremont, in the amount of $250 for up to nine (9) abutters and an additional $10 per abutter over that, except that the fee for a subdivision plan is as required by the Rules and Regulations governing the subdivision of land.

B.30.2010

(b) In addition to 3.4(a), applications for telecommunications shall be accompanied by application fee as follows:

(1)	Telecommunications Tower and Initial Facility Special Permit	$1,200
(2)	Telecommunications Secondary Provider Permit	600
(3)	Telecommunications Repeater Proposal Review	150
(4)	Telecommunications Special Permit Review under Bylaw 5.3.17.2	200

(c) Other Costs

(1) All other costs and reasonable expenses incurred by the Planning Board in connection with review and processing of plans, petitions and applications filed with the Board shall be borne by the applicant.

(2) The Planning Board shall notify the applicant of the estimated costs to process the application, which costs shall include, but not be limited to, borings, tests, hearings, information meetings, compilation of and review of data and plans and inspections, and the Board shall request payment from the applicant of said amount. The Board may from time to time request additional funds, if needed. Such review funds shall be paid by the applicant within ten (1) days of receipt of the notification and request. Failure to make timely payments shall be adequate reason to deny the request.

(3) The applicant shall bear all costs of inspections to assure compliance with any action by the Planning Board as specified in Sections 9 and 10 herein and under the Rules and Regulations Governing the Subdivision of Land. Each inspection must be paid for before another inspection may take place.

(4) All payments shall be by certified check payable to the Town of Egremont.

(5) Any unexpended amounts paid to the Town under 2 above will be refunded to the applicant when the Planning Board certifies that the Project is complete.

Section 3.5 Names and Addresses of Abutters

When filed, each petition and application where applicable shall be accompanied by a list certified by the Board of Assessors of all names and addresses of all Abutters and the owners of land next adjoining the land to the Abutters as defined by Massachusetts General Laws, Chapter 40A, Section 11. In the case of a definitive plan an executed Form E is required.

SECTION 4. HEARINGS

Section 4.1. Notice

Notice of hearings shall be advertised as required by Massachusetts General Laws, Chapter 40A, Section 11 or Chapter 41, Section 81Q, whichever is applicable.

Section 4.2. Hearings to be Public

All hearings shall be conducted in accordance with the Massachusetts Open Meeting Law, General Laws, Chapter 39, Section 23A, 23B, and 23C as amended.

Section 4.3. Quorum

A quorum for hearings by the Board shall consist of three (3) members. In the absence of a quorum, the hearing shall be adjourned to a date at the decision of the Chairman and re-advertised.

Section 4.4. Representation and Absence

An applicant may appear in his own behalf or be represented by an agent or attorney. In the absence of an appearance without due cause indicated by the applicant, the Board shall decide on the matter either using the information it has otherwise received or dismissing the petition, at its discretion, with or without prejudice.

Section 4.5 **Hearing Procedure**

(a) All hearings will start at the stated time in the notice unless delayed because of prior hearings. Hearings shall be held within sixty-five (65) days of the filing of the application or transmittal for the Town Clerk, as applicable, except for application under Massachusetts General Laws, Chapter 41, which will be held, if possible, within forty-five (45) days of the filing of the application, unless some other time limit is imposed by statute.

(b) The Chairman or Vice-chairman will open each hearing by reading, or causing to be read by the Clerk, the petition notice as advertised, together with presentation of exhibits, if any.

(c) The petitioner or his representative will then present his case, stating fully the reason(s) why the petition or application should be granted.

(d) Reports of Planning Board and other concerned agencies, if any, will be presented.

(e) All those in favor of the matter under consideration will speak. Those who wish to speak will rise, address the Chairman, give their names and addresses, then proceed.

(f) When all those in favor have spoken, the Chairman will then allow those in opposition a similar opportunity to be heard.

(g) Rebuttals restricted to matters raised by those in opposition may only be allowed at the discretion of the Chairman.

(h) No cross-examination will be allowed, although questions seeking information and deemed relevant to the Board may be allowed at its discretion.

(i) Members of the Board who are hearing the case may direct appropriate questions during the hearing.

(j) When all facts have been presented, the Chairman will close the hearing and inform the petitioner or his representative and others present that they will be notified of the Board's decision.

(k) The Board will take under advisement consideration of the case. (Normal policy is not to vote on the case on the same night as the hearing.)

(l) The Chairman may close or recess the hearing immediately if, in his opinion, these Rules are being violated and/or the hearing is becoming unruly.

(m) In the case of definitive plans additional informal discussion may be permitted by the Chairman.

SECTION 5. ACTIONS BY THE BOARD

Section 5.1. Voting Requirements

The concurring vote of a majority of the Board present shall be necessary in any action taken by the Board unless otherwise required by law. The record shall show the vote of each member upon each question. The Board shall, in addition, set forth clearly the reason(s) for its decision.

Section 5.2. **Withdrawal**

Any application or petition may be withdrawn without prejudice by notice in writing to the Clerk prior to the publication of the notice of hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the Board.

Section 5.3. **Reconsideration**

When a petition or application has been voted upon and the meeting adjourned, there shall be no reconsideration of a decision of the Board, absent any appeal.

Section 5.4. **Reapplication**

In order to have a petition reheard within two (2) years, the Board must find specific and material changes in the conditions upon which the previous unfavorable action was based and describe such changes in the record of the proceedings. A petition for reconsideration will only be considered when all but one of the members of the Planning Board consents thereto in accord with Massachusetts General Laws, Chapter 40A, Section 16.

Section 5.5. **One Year Limitation on Approval/Extensions**

If an application is approved by the Board, all permits necessary for the prosecution of the work shall be obtained and construction shall be commenced within six (6) months and completed in one (1) year from the date of filing of the Board's decision in the office of the Town Clerk, unless the Board otherwise provides in the decision. A reasonable extension of said time may be granted by the Board in the case of an appeal to the Superior Court or District Court under General Laws, Chapter 40A, Section 17, or for other good cause shown.

Section 5.6. **Decisions**

(a) The decision of the Board shall be made as follows:

(1) in regard to special permits and site plan not later than ninety (90) days after hearing or

(2) in regard to a definitive plan within sixty (60) days after filing, unless otherwise specified by statute.

(b) When granting approvals of site plans, definitive plans or special permits, the Board may impose conditions and/or limitations both of time construction and use, and a continuation of the use permitted may be conditioned upon compliance with said conditions and/or limitations.

(c) The Planning Board shall cause its decisions to be filed with the Town Clerk within fourteen(14) days, except in the case of a preliminary or definitive plan within sixty (60) days of the filing. A notice of such decisions shall be mailed forthwith to the petitioner, to all parties to whom notice of the hearings was mailed, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent, the Building Inspector, and where applicable, to the Board of Health, the Conservation Commission and other Town boards or departments.

(d) The Board's decision becomes final when the decision is filed with the Town Clerk, the appeal period has expired and the decision duly recorded as provided in (e) below.

(e) No special permit approved by the Board shall take effect until a notice of such approval signed by the Board is recorded in the Southern Berkshire District Registry of Deeds. The recording of such notice is a responsibility of the petitioner receiving the variance or special permit.

SECTION 6. OPINIONS AND ADVICE

Any advice, opinion, or information given by any Board member or any other official or employee of the Town shall not be binding on the Board.

SECTION 7. CONFLICT OF INTEREST

In accord with Massachusetts General Laws Chapter 268A, Section 1, a Planning Board member who has an interest in a matter before the Board shall declare such interest and refrain from participating in deliberations on such matters and remove himself to the area where observers are seated.

SECTION 8. ASSISTANCE

The Board may hire a secretary and professional assistance as needed for the conduct of its duties. Personnel added to the payroll of the Town are subject to the job description, personnel regulations, and appropriations voted by the Town meeting or adopted by the Board of Selectmen.

SECTION 9. FEES

In addition to the filing fee (see Section 3.4), the Board may establish fees for inspections and processing costs in accord with the Rules and Regulations covering the Subdivision of Land.

SECTION 10. APPLICATION REVIEW FEES - SPECIAL MUNICIPAL ACCOUNT

Section 10.1. **Intent**

(a) When reviewing an application for permit/approval the Board may determine that the assistance of outside professional expertise and/or consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts.

(b) The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside professional expertise and/or consultants engaged by the Board to assist in the review of an application.

Section 10.2. **Professional Expertise/Consultants**

(a) In hiring outside professional expertise and/or consultants, the Board may engage engineers, planners, lawyers, urban designers, regional planning agencies or other appropriate professionals who are qualified and capable of assisting the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.

(b) All consultants selected by the Board must meet minimum qualifications consisting of:

(1) an educational degree in, or related to the field at issue, from a recognized public or private college or university, or

(2) three or more years of practice or experience in the field at issue or a related field.

(c) The selection made by the Board shall be recorded with the Office of the Town Clerk wih written notice to the applicant within five business days of the Board's final selection(s).

Section 10.3. **Establishment of Special Account**

(a) Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose.

(b) The following fee schedule shall be adhered to in determining the review fee required for the establishment of the special account.

Preliminary subdivision	$2,500
Definitive subdivision	$7,500

(c) If review funds charged are insufficient to cover the costs of outside professional expertise and/or consultant review, the Board may require the applicant to pay an additional review fee to cover these costs provided these costs are reasonable and directly related to the project undergoing review.

(d) Expenditures from this special account may be made at the direction of the Planning Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been, or will be, collected from the applicant.

(e) Failure of an applicant to pay a review fee shall be considered as an incomplete application and therefore not allow the application to go forward.

Section 10.4. **Use of Funds**

(a) Review fees may only be spent for services rendered in connection with the specific project for which they were collected. These services shall include, but not necessarily be limited to: project reviews, document reviews, and project-related inspections. Accrued interest may also be spent for this purpose.

(b) If the outside consultant review begins and expenses are generated prior to the filing of a formal administrative appeal, all such expenses, up to the time of appeal, shall be paid out of the special account for that particular project.

(c) At the completion of the Board's review of a proposed project, or at a time determined at the submission of the application/permit, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest.

(d) A final report of the status of said account shall be made available to the applicant or the applicant's successor in interest.

(e) For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation that legally establishes this succession in interest.

Section 10.5. **Method of Appeal**

(a) Any applicant may take an administrative appeal from the selection of the outside professional expert and/or consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.

(b) Any applicant aggrieved by a selection of an outside consultant may appeal to the Board of Selectmen, provided that such appeal is entered within seven days after such

selection has been made as recorded in the Office of the Town Clerk. An appeal will not be considered valid unless it is formally filed with the Office of the Town Clerk with a copy given to the Board of Selectmen.

(c) The applicant should notify the Planning Board of its intention to seek a waiver of appeal at the earliest possible time in the review and consultant selection process. If the applicant fails to sign and/or file a formal waiver of appeal, this action will be then viewed as an intention to appeal on the part of the project applicants. Failure to inform the Board of such intention of appeal may result in the delay of start-up of the town outside review services.

(d) In acting on an administrative appeal, the Board of Selectmen may determine that:

(1) a conflict of interest does exist, and/or the consultant does not meet the minimum qualifications, therefor the Board must select another consultant, or

(2) a conflict of interest does not exist, and/or the consultant does meet the minimum qualifications, therefore the selection made by the Board stands.

(e) The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal, beginning from the date of filing of such appeal. In the event that no decision is made within one month (30 days) following the filing of the appeal, the selection made by the Board shall stand.

Section 10.6 **Minimum Fees**

Permit/Approval	Suggested Minimum Fees
Subdivision - preliminary	$2,500
Subdivision - definitive	7,500
Earth/gravel removal	2,500
Multi-family (under 25 units)	3,500
Multi-family (greater than 25 units)	5,000
Commercial (less than 10 acres)	3,500
Commercial (greater than 10 acres)	7,000
Industrial (less than 10 acres)	5,000
Industrial (greater than 10 acres)	10,000
Aquifer	3,500
Detention/retention basins	3,500
Hazardous material	5,000
Telecommunications Tower and Initial Facility Special Permit	5,000
Telecommunications Secondary Provider Permit	1,000
Telecommunications Repeater Proposal Review	500
Telecommunications Evaluation of Emissions	1,000
Telecommunications Inspections of Structures	1,000
Telecommunications Special Permit under Bylaw 5.3.17.2	2,500
Other special use/specific	2,500

SECTION 11. AMENDMENTS

These Rules may be amended by a majority vote of the members of the Board, provided that such amendment shall be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting. The amendment of the General Laws in respect to any matter covered by these Rules and Regulations will constitute automatic amendment.

SECTION 12. EFFECTIVE DATE

These rules were adopted at a regular meeting of the Board on June 6, 1988 and became effective as of that date. All rules previously adopted and subsequently amended are hereby repealed. No action taken under said rules shall be affected by said repeal.

These rules were amended October 4, 1988 by changes in Sections 3.4.(b) and 4.6.(a)

These rules were further amended September 11, 1989 by changes in Sections 3.1, 3.3.(d), 3.4a and 3.5.

These rules were further amended April 19, 1990 by the addition of Section 10.

Planning Board

APPLICATION FOR

SPECIAL PERMIT HEARING

Name of Applicant _____

Address _____

Location of Property _____

Registry of Deeds Recorded Book _____ Page _____

Applicant is _____ (owner, tenant, licensee, prospective buyer)

Applicable Section of the By-Law Section _____

Nature of Application (description of business, hours of operation, etc. _____

_____

_____

_____

_____

_____

I/We hereby request a hearing before the Special Permit Granting Authority with reference to the above noted application.

Signed: _____ Date: _____

Signed: _____

Title or Interest: _____

Applicant must also submit all information required by the Planning Board Rules and Regulation, available at the Egremont Town Hall.

Please note that Assessors require seven (7) days notice to compile abuttors list.

Received fron the Applicant(s) the sum of $_____ to be applied against postage, advertising costs, and permit fee on (date) _____.

Signed: _____

Town of Egremont

Board of Assessors

Robin G. Goldberg, Chairman
Florence Browner, Member
Donald Torrico , Member

Harald M. Scheid, Regional Assessor

Abutters List Request

Date:

Applicant:

Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Parcel:

Owner's name: _____

Map Number: _____

Parcel Number: _____

Parcel Address: _____

The above information must be completed accurately.

The Certified Abutters List will be available within seven (7) business days.

The list may be picked up at the Selectmen's Office Monday through Friday from seven o'clock in the morning to three in the afternoon. The list may also be emailed or faxed to you at your request.

There will be a charge of one dollar ($1) per abutter (minimum charge is $5); please make your check payable to the Town of Egremont.

PO Box 368 South Egremont, MA 01258
413-528-0182 ext. 14

The Commonwealth of Massachusetts

Department of Industrial Accidents

600 Washington Street
Boston, Massachusetts 02111

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

JANE C. EDMONDS
Director of Labor and Workforce Development

ANGELO R. BUONOPANE
Commissioner

Town Clerk
Town of Egremont
P.O. Box 56 - 171 Edgremont Plain Rd.
Egremont, MA 01258

September 25, 2003

RE: Requirement of all parties seeking permits and licenses under M.G.L. c. 152

Dear Sir or Madam,

Pursuant to M.G.L. c. 152, §25A, all employers conducting business in the Commonwealth of Massachusetts must carry a valid workers' compensation policy at all times. Please be advised that no business or organization may be issued a license and/or permit, as required by local by-law or ordinance, without providing proof of workers' compensation coverage. Proof of coverage should be verified by contacting the insurance carrier directly or the Department of Industrial Accidents (DIA) , Office of Insurance at 800-323-3249.

Should any party seeking a permit declare that they are not required to carry workers' compensation insurance, they must sign a sworn affidavit that no such coverage is required per the above mentioned statute. Attached please find a copy of the DIA Workers' Compensation Insurance Affidavit. A copy of the signed affidavit must be sent to the DIA at the above address. We request that you disseminated this letter to all offices, boards and commissions within your municipality that have the authority to issue any licenses or permits.

Sincerely,

Gregory J. White
Chief Legal Counsel

Building
Wire
Plumbing
~~Gas~~

ZBA
PB
Sel.
BOH

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, Mass. 02111

Workers' Compensation Insurance Affidavit - General Businesses

Applicant information: **Please PRINT legibly**

name: _____

address: _____

city _____ state: _____ zip: _____ phone # _____

work site location (full address): _____

☐ I am a sole proprietor and have no one working in any capacity.

☐ I am an employer with _____ employees (full & part time).

Business Type: ☐ Retail ☐ Restaurant/Bar/Eating Establishment ☐ Office ☐ Sales (including Real Estate, Autos etc.) ☐ Other _____

☐ I am an employer providing workers' compensation for my employees working on this job.

company name: _____

address: _____

city: _____ **phone #:** _____

insurance co. _____ **policy #** _____

☐ I am a sole proprietor and have hired the independent contractors listed below who have the following workers' compensation polices:

company name: _____

address: _____

city: _____ **phone #:** _____

insurance co. _____ **policy #** _____

company name: _____

address: _____

city: _____ **phone #:** _____

insurance co. _____ **policy #** _____

Attach additional sheet if necessary

Failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties of a fine up to $1,500.00 and/or one years' imprisonment as well as civil penalties in the form of a STOP WORK ORDER and a fine of $100.00 a day against me. I understand that a copy of this statement may be forwarded to the Office of Investigations of the DIA for coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature _____ Date _____

Print name _____ Phone # _____

official use only **do not write in this area to be completed by city or town official**

city or town: _____ **permit/license #** _____

☐ **check if immediate response is required**

contact person: _____ **phone #;** _____

☐ **Building Department**
☐ **Licensing Board**
☐ **Selectmen's Office**
☐ **Health Department**
☐ **Other** _____

(revised Sept. 2003)

Information and Instructions

Massachusetts General Laws chapter 152 section 25 requires all employers to provide workers' compensation for their employees. As quoted from the "law", an ***employee*** is defined as every person in the service of another under any contract of hire, express or implied, oral or written.

An ***employer*** is defined as an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer.

MGL chapter 152 section 25 also states that **every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required.** Additionally, neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority.

Applicants

Please fill in the workers' compensation affidavit completely, by checking the box that applies to your situation. Please supply company name, address and phone numbers along with a certificate of insurance as all affidavits may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the "law" or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below.

City or Towns

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. The affidavits may be returned to the Department by mail or FAX unless other arrangements have been made.

The Office of Investigations would like to thank you in advance for you cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth Of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, Ma. 02111
fax #: (617) 727-7749
phone #: (617) 727-4900 ext. 406