



City of Westfield

ZONING BOARD OF APPEALS

SPECIAL PERMIT FAQ

What is a Special Permit and why do I need one?

The Special Permit process, authorized under state and local zoning laws, is intended to insure that certain conditions or uses of land within the City (as described in the Zoning Ordinance) are appropriate for your specific property and do not negatively impact the neighborhood. Special permit applications are reviewed on a case-by-case basis considering your property. The Zoning Board of Appeals is the authority which the ordinance tasks with considering your specific request. Special permits are discretionary, based on the Board's findings.

When does the Board meet?

The Board generally meets on the 1st and 4th Wednesdays of each month, with new applications usually reviewed and accepted on the 1st Wednesday. Meetings are typically at 7pm in Room 315. Official notice of any meeting is posted by the City Clerk at least 2 days prior.

How do I file my application ("petition") and how long will this take?

Deliver two copies of your complete application package to the Community Development & Planning Office no later than the Thursday preceding the 1st Wednesday meeting. You should then attend that ZBA meeting, where the Board will review and accept your application and schedule a formal public hearing (generally the 4th Wednesday). Board members often prefer to visit the property prior to the hearing and, depending on your request, may ask that the subject area be marked (such as the property line or limits of proposed building construction). After filing, allow a minimum of 8-10 weeks for your permit to take effect.

What will this cost me?

The application fee varies depending on the request, but is typically \$200 or \$350. Prior to filing, you will need to obtain an abutters list (\$10 minimum). You must also pay for the required legal ads in the newspaper (\$90), have an approved permit certified by the City Clerk (\$10) and ultimately record it at the Hampden County Registry of Deeds (\$75).

Why do I need to provide an abutters list?

All property owners within 300 feet of your lot will be notified by mail of your pending application and the date of your public hearing, should they wish to attend or comment. Please allow the Assessor's Office sufficient time to prepare your list.

What do I do at the Public Hearing?

The Chair will introduce the application at which time you may approach the Board to speak. You should state your name and address and summarize your request to the Board. Members of the Board may ask you questions as they discuss your petition. Members of the public will also be given an opportunity to ask questions of fact, and to speak for or against it.

It may be helpful to think of this process as if you were in court making a case to a judge or jury. It is your duty to provide evidence (by your application materials and testimony) so the Board can find that (1) your specific property is appropriate to accommodate your request, (2) the use will not adversely affect your neighbors, (3) you will have appropriate facilities for your request and (4) your proposal conforms to all other requirements. Certain Special Permits may require additional findings to be made. For example, in granting a dimensional Special Permit, the Board should also find that the adjoining neighborhood is similarly developed with reduced setbacks.

What if I am unable to attend the hearing?

If you or your representative cannot attend, you may request the Board continue your hearing to a future date. This can be done by contacting the Planning Office with your written request. Repeated continuance requests inconvenience the public and the Board, so a \$50 continuance fee may apply.

What if they ask for information I don't have?

The Board may continue the hearing to a future date to allow more information to be considered. *(One the public hearing is closed, the Board cannot consider new information).*

Can I discuss my application with Board members privately?

No; all information and testimony which Board members will consider should be openly disclosed during the public hearing. You may discuss your application anytime with City staff.

When does the Board make their decision?

Generally they vote at their next meeting after the public hearing. All 3 members of the Board must vote in favor of your application *(the Board membership includes 2 alternate members, but no more than 3 should be voting).*

Can they impose conditions?

Yes; the Board may impose conditions and safeguards to insure the intent of the zoning ordinance will be met. The Board generally discusses proposed conditions with you such that both parties can arrive at a consensus. However, the Board has the right to impose any conditions it sees fit. Failure to comply with conditions may constitute a zoning violation, subject to enforcement action by the Building Department.

Can I ever change what I originally proposed?

If you propose changes to what was approved, you may file another Zoning Permit and/or ask the ZBA to determine if an application for a new or amended Special Permit might be required.

Are Special Permits transferrable? Do they expire?

The Special Permit is linked to the property. As a condition, the Board may limit the time the permit is in effect, require it be renewed or reviewed or limit it to a specific applicant.

What if my application is denied?

If the Board cannot make the above findings, it cannot approve your application. Denied applications generally cannot be considered again for two years.

They approved my application! Now what?

A written record of the decision will be filed with the City Clerk shortly thereafter and also mailed to you. After 20 days (during which anyone aggrieved may appeal the decision) you must have the City Clerk sign the decision. Then, in order for the permit to take effect and before any building permit can be issued, you will need to record the document (bearing the City Clerk's signature) at the Hampden County Registry of Deeds (the Registry of Deeds satellite office in City Hall is open Mondays, Wednesdays and Fridays).

I was granted a Special Permit a few years ago but never utilized it. Is it still valid?

If more than two years have elapsed since the Board granted your permit, and the use which it authorizes has not begun, you will need to reapply unless the Board makes an exception.