



City of Westfield

PLANNING BOARD

PROCESS FOR SPECIAL PERMIT, SITE PLAN APPROVAL & STORMWATER MANGEMENT PERMIT APPLICATIONS

1. ***It is suggested that the CITY PLANNER be consulted early in the project planning process.***

2. **FILE ZONING DETERMINATION APPLICATION (“Zoning Permit”) WITH THE BUILDING DEPARTMENT**

This will more formally determine what zoning approvals are needed and by what permit granting authority (Planning Board, Board of Appeals or City Council). Applicants may also be provided with non-zoning related comments from other Departments who review the proposal. No fee is assessed, and the application will be processed within 30 days. Applications needn't be filed by the landowner.

Attend a “Round Table” Meeting

For larger or complicated projects, Applicants are encouraged to attend a meeting to informally present and discuss the project with various City departments and solicit input. (This can be done prior to, after or concurrent with the Zoning Determination). Contact the Planning Department to request being placed on the agenda (typically held monthly on Thursday mornings)

3. **COMPILE APPLICATION MATERIALS**

- Zoning Permit Determination signed by a City Building Department official (or the previous Planning Board approval proposed to be amended)
- Completed Application Form
- Supporting Materials, as applicable (narrative, maps, photometrics, drainage or traffic study, etc.)
- Site Plans & Architectural Elevations, where applicable – *site plans should bear the seal of an architect, landscape architect or professional engineer licensed in Massachusetts; full-scale plan layout size should not exceed 24”x 36”*

AND SUBMIT THE FOLLOWING:

- One paper set of all above application materials
Any site plans/drawings should be reduced copy to be no larger than 11” x 17”
- Only if a **Stormwater Management Permit** is being sought, also include one full-size site plan set and omit any paper copy of the stormwater report/calculations (provide a PDF file only)



**SAVE PAPER
SAVE TREES**

While the Planning Board/Department may request additional copies and/or full-size plan sets, please only provide more paper if so requested!

- Digital files (PDF) of all application materials (on a USB device or via web download or email to j.vinskey@cityofwestfield.org Multiple sheet plan sets should be organized as a single file
- Non-refundable filing fee payable to the ‘City of Westfield’ – see separately posted Fee Schedule

Applications must be received at the Planning Department about 3 weeks in advance of the desired Planning Board public hearing date (a listing of filing deadlines is separately posted). As a convenience for the Applicant, Planning staff will file complete applications with the City Clerk, generally within 1-2 business days of receipt. (*alternatively, Applicants may bring their paper copy directly to the City Clerk if a record filing date is sought, but the fee and digital materials must still be sent to the Planning Department*)

4. PUBLIC HEARING IS SCHEDULED & NOTICED

Planning staff will prepare and publish Public Hearing Legal Notices in the local newspaper (Westfield News). The Applicant will be billed directly by the newspaper for the cost and is responsible for timely payment; the publishing fee will vary based on the length of the notice. Planning staff will also obtain the Assessors record of abutting property owners (within 300' of the lot) and notify them by mail.

NOTE: The application will generally be scheduled for the next hearing date, subject to legal notice requirements and agenda availability. If staff determines that the application is incomplete or requires additional information for the Board's review, a hearing date may be delayed for months.

7. APPLICATION IS REVIEWED

City Departments will review the application and may offer comments. Planning staff will forward such comments to the Applicant or its representative prior to the hearing. Applicants should be prepared to address all substantive comments. (Planning Board members will also individually review the application and comments in advance of their meeting, but will not discuss it with anyone prior to the public hearing.)

Projects in the Water Resource Protection District Only

Applications in this "aquifer" district are afforded a 35-day review period to allow review by the City Engineer, Water Commission, Board of Health and Conservation Commission (or their staff). The Planning Board cannot make its decision until those comments are received or the 35 days have elapsed.

Stormwater Management Permits Only

(The Stormwater Management Permit is a non-zoning permit but is considered concurrently with a Special Permit and/or Site Plan Approval application.) Planning staff will forward copies of the Stormwater Management Permit or related application materials (report/calculations, drawings, operation & maintenance plan) to the Department of Public Works and/or Engineering Department. City stormwater reviewers may communicate directly with the Applicant's engineer, but the Board should be copied on any updated materials. City Engineer recommendations are typically a prerequisite to closing the hearing.

8. PUBLIC HEARING IS CONDUCTED

The Applicant and/or its representative will present the project to the Planning Board, whose meetings are usually televised. Hearings held in Council Chambers allow for digital presentations (applicants wishing to utilize this media should notify the Planning Department in advance and email or bring their presentation file). Members of the public will be given an opportunity to ask questions of fact and to speak in favor of or in opposition to the application. The Planning Board may continue the public hearing if it requires more time or information. Applicants may request a continuance if they are unprepared for the hearing, but this inconveniences the public and the Board so a \$50 continuance fee may be assessed.

Concurrent Reviews

Generally, the zoning ordinance gives the Planning Board the most discretion over land use projects, though other regulatory permitting may also be required, such as by the Conservation Commission or MassDOT. While applicants must separately satisfy all regulations independently of each other, in cases where substantive control over a matter affecting the site plan/layout is shared by more than one jurisdiction it may be advisable to undertake concurrent reviews in order to minimize the chance that the Board's approval ends up in conflicting with another entity's requirements.

Understanding Supermajority requirements and Continuances

While Site Plans (only) require a majority vote, Special Permit approval requires a 2/3 vote of total membership of the 7-member Board (5 affirmative votes). A Planning Board member who misses one or more parts of the public hearing becomes ineligible to vote. If a hearing spans more than one meeting the risk of losing eligible members increases. For example, an application which has spanned several public hearings may end up needing all 5 out of 5 eligible member votes (even if 7 members are present at the time of the vote). Therefore, when Board members are absent, applicants may wish to request a continuance (prior to any discussion) to a future meeting date, when more eligible members are likely to be present. (The Board membership includes 2 associate members who can vote in place of ineligible or absent members).

Withdrawals

In some Special Permit instances, applicants may wish to request a withdrawal, without prejudice, rather than risk a denial vote if they sense their application may be headed in that direction and/or if the number of eligible voting members is of concern. This would allow a resubmittal at any time rather than requiring a 2-year wait. A withdrawal request must be received before a vote is taken, and preferably before the hearing is closed.

9. DECISION IS RENDERED

Once the public hearing is closed, the Planning Board will render a decision, often at the same meeting. The decision will typically contain conditions with which the Applicant must comply. Planning staff will file the decision with the City Clerk within 14 days, mail the decision to the Applicant and Owner and notify abutters.

10. APPEAL PERIOD COMMENCES

Any appeals to the Board's action must be filed with the City Clerk, and either Superior Court, Housing Court or Land Court within 20 days of the filing of the Board's decision.

11. POST-DECISION REQUIREMENTS

After the appeal period, a copy of the decision may be picked up at the City Clerk's office. The permit does not take effect until the **Applicant records the decision** (with City Clerk's certification; a \$10 fee will apply) at the Hampden County Registry of Deeds (a satellite office is located on the 1st floor of City Hall). A \$105 recording fee is assessed by the Registry. The book and page in which the decision is recorded should be provided to the City Clerk & Planning Board for inclusion in the record file. The Building Department will often require evidence that the decision was recorded before issuing any construction permits.

Site plan approvals will also require the applicant to submit the final approved site plan (full-size paper set with the design professional's seal as well as a PDF version) before building permits are issued, stormwater permits require pre-construction conferences, and other conditions may need to be met before the use or construction can lawfully commence. Therefore, it is important to periodically revisit the requirements of the Board's permit to ensure compliance.

PERMIT AMENDMENTS

Substantive revisions or amendments to an approved permit or plan will require a new filing and hearing. The Planning Department or Board, after review of proposed changes, may allow certain changes when it determines that they are minor in nature and not inconsistent with the original findings of the Board. This is not uncommon for site plans that may need tweaking during final design or construction.

REPETITIVE SUBMISSION (*Special Permits Only*)

An application receiving an unfavorable action cannot be reconsidered for 2 years from date of filing the decision with the City Clerk unless the Planning Board finds and describes the specific and material changes in the condition upon which the original unfavorable action was based.

LAPSE OF APPROVAL

After a period of 3 years, an unexercised Special Permit or Site Plan approval will lapse. If an extension is not (or cannot) be granted, the entire application/public hearing process must be repeated.

Planning Department staff will assist applicants with filing, ensure statutory requirements are met, coordinate information and provide technical assistance to the Planning Board. All permitting authority comes from the Board, which is composed of appointed citizens of Westfield, and whose business is only conducted at public meetings.