



TOWN OF WEST SPRINGFIELD PLANNING BOARD

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SPECIAL PERMIT RULES AND REGULATIONS OF THE PLANNING BOARD

A. **APPLICATIONS** Each application for a special permit shall be filed by the applicant with the Town Clerk's office and fifteen (15) copies of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the applicant with the Planning Board. Each application packet shall contain the following information:

1. An application form completed in full and signed by the applicant and the owner of the property.
2. A list of the abutters to the property upon which a special permit is requested. Said list of abutters is to be certified by the West Springfield Assessors Office as a true and accurate record taken from the most recent applicable tax list.
3. The applicant, if not the record owner, shall file a notarized statement signed by the owner of the property authorizing the applicant to file the application and act on the owner's behalf.
4. A proposed finding of facts setting forth the legal basis necessary for the granting of the special permit. Said legal basis is set forth in Section XII entitled Special Permits, of the Zoning Ordinance.
5. A plan drawn at a scale no greater than one inch equals forty feet (1" = 40') showing:
 - a. The dimensions of the parcel including all easements and rights-of-way abutting and within the parcel in question.
 - b. The location of all existing and proposed structures.
 - c. The front, side and rear setbacks to the existing and proposed structures.
 - d. The zoning districts in which the parcel and abutting lots, including the lot or lots directly across the street from the parcel in question, are located and the related dimensional and bulk requirements for the property in question.

- e. The location of all structures including but not limited to water, sanitary sewer, stormwater, fire hydrants and electrical utilities within all public and private easements and rights-of-way abutting and within the parcel in question.
 - f. Stormwater Management and erosion control plan.
 - g. The names of all abutters as they appear on the most recent tax list.
 - h. The type of use (i.e. single family, two-family, retail, commercial, etc.) of each of the abutting parcels of land including the parcel or parcels directly across the street from the land in question. If the building is a multi-tenant building, the plan shall show the current use and size of each unit.
 - i. A locus map at a scale of not less than 1"=400'.
 - j. The location of all existing and proposed parking.
 - k. The location of all existing and proposed landscaping.
 - l. The location of all existing and proposed signage.
 - m. The location of all existing and proposed lighting.
 - n. The location of all existing and proposed appurtenant structures including but not limited to dumpsters, exterior compressors, heat pumps, etc.
 - o. The Planning Board may require additional information it deems necessary to adequately review an application made for a special permit.
6. A certified copy of the deed(s) for the property related to this application.

The Planning Board may require that all plans submitted be drawn by an engineer or architect licensed in the Commonwealth of Massachusetts.

B. NOTIFICATION Following the filing of an application, and before taking any action on the proposed special permit, the Planning Board shall hold a public hearing on the application within sixty-five (65) calendar days of submission of said application. Notice of such public hearing shall be published in a newspaper of general circulation in West Springfield once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) calendar days before the day of the hearing, and such notice shall be posted in the Municipal Office Building for a period of not less than fourteen (14) days before the day of said hearing. Notice of such public hearing shall also be mailed to all parties in interest in accordance with M.G.L. Chapter 40A, Section 11. "Parties in interest" shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such

owner is located in another city or town and the planning board of every abutting city or town.

- C. **REVIEW** The Planning Board shall review each application on its own merits and shall structure its review and decision in accordance with Section XII of the Zoning Ordinance.

- D. **DECISIONS** Within ninety (90) calendar days of the close of the public hearing, the Planning Board shall decide to approve, approve with modifications or conditions, or disapprove an application for a special permit. The Planning Board shall inform in writing, the applicant, the Building Commissioner, the Town Clerk, and parties of interest of its decision and its reasons.

- E. **VOTE** Approval of a special permit application, or approval with modifications or conditions, shall require an affirmative vote of at least four (4) of five (5) members of the Planning Board, or as provided by state statute.

- F. **EXTENSION OF TIME** The required time limits for a public hearing and the decision of the Planning Board, may be extended by written agreement between the applicant and the Planning Board. A copy of such agreement shall be filed in the office of the Town Clerk.

- G. **APPEAL PERIOD** Any person aggrieved by a decision of the Planning Board may, within twenty (20) days of the filing of the decision of the Planning Board with the Town Clerk, file an appeal in accordance with M.G.L. Chapter 40A, Section 17.

- H. **RECORDING OF THE DECISION** After expiration of the twenty day appeal period, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the Town Clerk shall certify said approval and the applicant shall file the decision of the Planning Board with the Hampden County Registry of Deeds in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. A copy of said filing certified by the Registry of Deeds shall be submitted to the Town Clerk's office and the Planning Board.

- I. **EFFECTIVE DATE OF DECISION** No special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Hampden County Registry of Deeds in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title in the instance of land registered in the Hampden District of the Land Court.

J. BUILDING OR OCCUPANCY PERMITS Only after a special permit has been approved by the Planning Board, the appeal period has elapsed and the decision of the Planning Board has been recorded in the Registry of Deeds, may the Building Commissioner issue a building or occupancy permit. Any such building or occupancy permit must conform to all conditions or modifications attached to said special permit by the Planning Board. Non-compliance with any conditions or requirements of the Special Permit shall preclude the Building Commissioner from issuing a final Certificate of Occupancy.

K. SUBMISSION OF INFORMATION In order to secure information upon which to base its determination, the Planning Board may require the applicant to furnish, in addition to the information required for an application for a special permit, such further information as it deems necessary to establish its findings. The failure of the applicant to supply any material required by the Planning Board may result in the return of the application and may require a re-filing with a new filing fee.

L. MISREPRESENTATION Any misrepresentation of a material fact may, upon discovery and request for review by a party in interest, result in a re-hearing of the petition for a special permit under the Zoning Ordinance and may result in the revocation of the approvals granted by the Board. If any approval or condition of approval is revoked, any structure or building constructed or altered as a result of said approval based upon the misrepresentation may be ordered razed and any use authorized may be prohibited.

M. FILING FEES

Application for a special permit or amendment to a special permit (Made payable to the Town of West Springfield) \$125.00

Public hearing notice (Made payable to The West Springfield Record) (The applicant reserves the right to advertise in the right to advertise in the Springfield Union News at additional charge) \$ 50.00

All expenses incurred by the Planning Board during the Special Permit process, including the expense of engaging outside consultants, shall be paid by the applicant. Reimbursement of these expenses is a requirement of approval, and failure to reimburse shall be cause for denial.

The Planning Board may require the posting of a bond to ensure compliance with the plan and the conditions and may suspend any permit or license when work is not performed as required.