

West Stockbridge Planning Board Guidelines for Special Permit Process

Your first point of contact should always be with the Building Commissioner/Zoning Enforcement Officer who can review your plans and help you determine what sections of the bylaws govern your project. The more research you do up front, the easier it will be to meet all the requirements in an efficient timely, cost-effective manner.

The following guidelines provide an overview of the Planning Board “Special Permit Application” process for a “typical” special permit application.

Your first step in the process will be to fill out and sign the Special Permit application form and attach all required documents listed on the application form, including a Certified Abutters’ List (abutters, owners of land directly opposite on any public or private street or way; and abutters to abutters within 300 feet of the property line of the Applicant), which shall be obtained at the Assessors’ office for a \$10 fee. You must also provide a check for \$300 made out to the Town of West Stockbridge to cover the cost for publishing the public hearing notice and mailing notifications to abutters.

Your next step will be **to make an appointment** with the Town Clerk or Town Administrator (who is also the Assistant Town Clerk) to review and file your application. Your application package must include:

- Three (3) hard copies of the application
- Three (3) hard copies of all required attachments (please read the back of the application for Site Plan Requirements)
- A Certified Abutters’ List
- A check for \$300 (made out to the Town of West Stockbridge)
- An electronic copy (PDF) of the full application, signed by the Town Clerk or Assistant Town Clerk, shall be emailed to the planning board (see below*)

The Town Clerk will enter the date & time filed and sign all copies of the application, retain one set (application & attachments) for Town Records, one set for the Planning Board and will return one set to you for your records.

*After the Town Clerk signs and dates your application, you must send an electronic copy (PDF) of the signed application and all attachments to planningboard@weststockbridge-ma.gov.

The Planning Board will then do a detailed review of your application package and may request additional documentation.

All Special Permits require a Public Hearing. After the Planning Board receives your application, it will perform a number of tasks to prepare for the Public Hearing. You will not be required to perform any of these administrative tasks, but they are listed below for your information.

- The Planning Board, at their next scheduled meeting, will set a time and date for the Public Hearing (within 65 days from the date you filed your application with the Town Clerk).
- Complete copies of the application, with all attached documents, will be distributed for review to other town boards/commissions/departments. This must be done within 10 days and the other boards/commissions/departments have 35 days to respond. The other boards/commissions/departments are: Building Commissioner, Board of Health, Select Board, Conservation Commission, and any other town board/commission/department, as deemed appropriate by the Planning Board Chair.
- Public notice will be mailed to “Parties of Interest” (applicant, abutters, owners of land directly opposite on any public or private street or way; and abutters to abutters within 300 feet of the property line of the Applicant, and the Planning Board of every abutting city and town).
- The public notice will be published in the Berkshire Eagle as a legal advertisement in two successive weeks, at least 14 days and 7 days before the hearing.
- The public notice will be posted at the Town Hall at least 14 days before the hearing.

The Public Hearing

The Chair opens the meeting and then opens the Public Hearing. You or your representative(s), will speak to the Planning Board about the project and answer any questions that the Planning Board may have. People opposed to or in favor of the project will also be given an opportunity to speak to the Planning Board. If needed, the Public Hearing may be continued to a later date.

Planning Board Decision

After the Planning Board completes its deliberations, it will render a decision. Decisions of the Planning Board shall be based on the Findings made by the Board in the course of the Public Hearing, after hearing the presentation of the applicant, or his/her agent(s), and after hearing representations made by parties of interest or their agents. The Board's decision must be rendered within 90 days of the date of the Public Hearing. In some situations, the Board may issue a favorable decision with conditions.

If approved, the decision of the Planning Board will be filed with and certified by the Town Clerk within 14 days. There is a 20-day waiting period from the date of the Clerk's certification before the decision becomes effective. During the 20-day waiting period any aggrieved party may appeal the decision. If there are no appeals, the Town Clerk will certify that no appeals were made and will mail you a copy of the certified decision and the related Planning Board's Findings and keep a copy for Town Records.

Registering the Decision

Once you receive the certified decision and the related Planning Board's Findings from the Town Clerk you must file those documents at the Southern Berkshire Registry of Deeds and pay the required recording fee. You must return two copies of the recorded documents, certified by the Registry of Deeds, to the Town Clerk, one for town records and the other for the Building Commissioner/Zoning Enforcement Officer.

Please note: No construction can begin at the site, which was the subject of the decision, until the Building Commissioner/Zoning Enforcement Officer receives the recorded decision and has issued any required permits.