

Town of Westfield Zoning Permits and Public Hearing Process

Zoning Permit Application

If the application is for a permitted use listed in the Zoning Bylaw, the Zoning Administrator reviews the application for setbacks and dimensional requirements. If the proposed project meets those requirements, the Zoning Administrator approves the zoning permit. However, after approval, there is a 15-day appeal period for an interested party to appeal the approval of the permit.

During this appeal period, anyone can ask questions and get information from the Zoning Administrator about the application and/or appeal the decision to approve the permit. The approved permit is posted

at the site (911 address), or at another location visible from the nearest intersection of a well-travelled road

at the Westfield Town Office

on the Westfield General Store bulletin board

on the Westfield Post Office bulletin board

If there is no appeal, the permit becomes valid on the 16th day after the permit was approved, it is recorded in the town record, and construction can begin at that time.

This process applies to zoning permit applications that **do not require a public hearing**.

Permit application that requires a Public Hearing

The Town Bylaw requires certain projects to have a more detailed level of review.

When a Public Hearing is necessary, the Zoning Administrator does not approve the permit at the time it is submitted, rather it is referred to the Planning Commission or the Zoning Board of Adjustment, and a Public Hearing is scheduled.

A Public Hearing is a more formal and in-depth process and requires more direct notice to residents. In addition to the above forms of public notice (the hearing date is on the notice posted at the applicant's property,) abutters receive notification by mail, and a Public Hearing notice is also placed in a local newspaper. A Public Hearing provides the community with an opportunity to ask questions, or comment on a project. This is also the opportunity to gain status as an "interested party." This status is required for any further appeal to the Environmental Division of Superior Court.

A Warned Public Hearing is a quasi-judicial process, and is recorded. The Board (Zoning Board of Adjustment) is mandated by statute to follow certain procedures. The Board also has a defined scope. That is, what issues can be considered and if the permit application needs to have conditions to meet requirements of the Town Zoning Bylaw.

To determine if a permit should be approved, conditioned, or disapproved, the Board looks at whether the use is in accordance with Town Zoning Bylaws and State statute.

A Public Hearing project overview, comments, and Q & A includes:

- Witness Oath.
- Applicant presentation of Project Overview and Site Plan.
- Board questions for clarification and/or to address issues not covered in the Project Overview or Site Plan. For example, parking.
- If present, Town officials ask questions.
- Public comment and questions.
 - Members of the public may present evidence and comments about the Permit application and the accompanying Site Plan. For example – if you believe there is incorrect information in the Site Plan, tell us.
 - If you are unsure your comment is relevant – raise hand, request “Point of Order”. (In a Zoom meeting the Chair will ask attendees or they can use the chat box to make a ‘Point of Order’ request.
 - Members of the public can submit comments and questions in writing.
 - Members of the public have opportunities to speak during the Hearing in the following order:
 - Project abutters
 - Other Town residents
 - Attendees who do not live in Westfield.
- The Chair will ask individuals if they want to speak, or to use the ‘raised hand’ icon in a zoom meeting to indicate a request to speak. You must state your name and address on the record prior to speaking. An individual must participate (verbally or in writing) at the municipal level to gain interested party status –the legal standing to participate if the decision is appealed.
- Comments may not exceed two minutes. After everyone who wants to speak has had one opportunity, then speakers may make another comment or ask another question.

Suspending Presentation of evidence and comments. This requires a motion, second, and majority vote by the Board. The Board then votes to enter a **Closed Session** for deliberation. When they finish their deliberation the Board votes to **Exit Closed Session, Announce Decision or Continuance**. Then there is a final motion and vote to **Exit the Public Hearing**.

Meeting remotely, the minutes from the Public Hearing are available within 5 days. The written Notice of Decision with findings of fact must be issued by the Board within 45 days.