



**Town of Westminister  
Planning Board**

**Application for Special Permit Public Hearing**

**Step One: Seek Determination from the Building Commissioner.** Before you apply to the Planning Board for a Special Permit, you must discuss your plans or situation with the Building Commissioner (Westminister Town Hall, Room 211). The Building Commissioner will review your plans and provide you with a written determination that you can attach to this application.

**Type of Special Permit you are seeking:**

- |   |  |
|---|--|
| <input type="checkbox"/> Veterinary Kennel                      | <input type="checkbox"/> Cluster Housing Development     |
| <input type="checkbox"/> Domestic Charitable Corporation Kennel | <input type="checkbox"/> Medical Marijuana Facility      |
| <input type="checkbox"/> Wind Power Facility                    | <input type="checkbox"/> Recreational Marijuana Facility |
| <input type="checkbox"/> Commercial Boarding or Training Kennel | <input type="checkbox"/> Solar Power Facility            |
| <input type="checkbox"/> Commercial Breeder Kennel              | <input type="checkbox"/> Adult Entertainment             |

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**Step Two: Fill out your application and assemble the necessary information.**

Applicants must submit one original application packet and five copies. Digital submissions are preferred. Each application packet must contain the following items:

- \_\_\_\_\_ Copy of the completed Special Permit application.
  - \_\_\_\_\_ Copy of the completed Site Plan Approval application and all required materials.
  - \_\_\_\_\_ Copy of the abutters list prepared by the Westminister Assessor's office.
  - \_\_\_\_\_ Letter from the Building Commissioner indicating that a Special Permit is required.
  - \_\_\_\_\_ Sign-off from Treasurer-Collector's office that the subject property is not on the Town's Delinquent Tax List\_\_\_\_\_.
  - \_\_\_\_\_ Check covering application fee made payable to: Town of Westminister.
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### **Step Three: File your Application with the Town Clerk**

This section to be filled out by Town Clerk:

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Town Clerk

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Date Submitted

# APPLICATION FOR SPECIAL PERMIT HEARING – PLANNING BOARD

(This form to be filed with Town Clerk)

## Property Information

1. Location of Property: Street Address \_\_\_\_\_

Tax Map # \_\_\_\_\_ Parcel # \_\_\_\_\_ (see Town Assessor)

Deed Book # \_\_\_\_\_ Page # \_\_\_\_\_

Plan Book # \_\_\_\_\_ Page # \_\_\_\_\_

Zoning District(s): \_\_\_\_\_ (found in Building Commissioner's letter)

2. Name of Petitioner(s): \_\_\_\_\_

Owner/ Tenant/ Agreed Purchaser/ Other (circle one)

Address: \_\_\_\_\_

Telephone #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

3. Name of Owner(s) of Property: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: (\_\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

## 4. Property Owner's Knowledge and Consent

I (we) have knowledge of, and consent to, the application for the project as presented.

\_\_\_\_\_  
Signature of Property Owner Date

\_\_\_\_\_  
Please Print Name

## Project Information

1. Explain what you want to do or construct:

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2. Explain how the proposal is in substantial harmony with the Westminster Master Plan and other plans approved or amended from time to time by the Westminster Planning Board, and with the purposes of the Zoning Bylaw:

[illegible]

3. Explain how the use request is appropriate on the site in question:

[illegible]

4. Explain how the use will not be unduly detrimental to the health, safety, morals or welfare of the community or neighborhood by reason of noise, traffic, pollution, or demand on community facilities, services or utilities:

[illegible]

## **General Guidance for Potential Applicants:**

The Planning Board may issue a Special Permit for uses which are in harmony with the general purpose and intent of the Zoning Bylaw provided that:

1. The proposal is in substantial harmony with the Westminster Master Plan;
2. The use request is appropriate on the site in question;
3. The use will not be unduly detrimental to the health, safety, morals or welfare of the community or neighborhood by reason of noise, traffic, pollution, or demand on community facilities, services or utilities.

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## **THE HEARING PROCESS**

**Scheduling the Hearing** - The Planning Board will schedule a public hearing of the petition once it has been filed with the Office of the Town Clerk and the requisite fees have been paid. In addition to the petitioner, all abutters will be notified of the hearing and will be given an opportunity to comment on the petition at the hearing. The Board will also hear from all other interested parties. As part of the public hearing, the Board may request comments from other town boards, officials, legal counsel or consultants.

**Public Hearing Time Extensions** - The Board in its discretion and upon written application by the Applicant may extend the time for exercise of such rights for a period not to exceed six (6) months. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration date. The Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to this approval. If the Board does not grant such an extension within thirty days of the date of application, and upon the expiration of the original time period, such rights may be re-established only after notice and a new hearing pursuant to MGL, Ch. 40A, §9.

**Closing the Hearing and Issuing a Decision** - Once the presentation has been made and all interested parties have been heard, the public hearing portion of the meeting will be closed and the Board will, at its option, discuss the petition at that time or postpone discussion until a later time or date. All discussions will be held at an open meeting; however, once the public hearing has been closed, no additional comments will be allowed from either the petitioner or the public unless the Board requests clarification.

**Filing the Decision** – State law requires that the Planning Board file its DECISION with the Town Clerk within ninety (90) days of the close of the public hearing.

**The Appeal Period** - Once the decision is filed with the Town Clerk, a 20-day appeal period begins. After the 20 day appeal period, you should check with the Town Clerk to learn whether any appeals were filed. If an appeal was filed, you should check with an attorney regarding what to do next. Once the 20-day appeal period has elapsed, you have one year to record the decision with the Registry of Deeds.

**Recording the Decision** – Once the appeal period has passed, the applicant must record the decision with the Northern District of the Worcester County Registry of Deeds. After the decision has been recorded, the applicant shall provide a copy of the recorded decision to the Town Clerk's Office that clearly indicates the Registry's Book and Page number for said decision. **NOTE:** The granting of your petition DOES NOT go into effect until the decision has been recorded with the Registry of Deeds.

**Expiration of Decision:** In the event you are ultimately granted a Special Permit, please be aware that the rights authorized by the Special Permit will lapse if they are not exercised within two (2) years of the date of filing the Decision with the Town Clerk (one year if the Special Permit is for Adult Entertainment).