Special Permits—Massachusetts General Laws, Ch. 40A

A Special Permit application is filed with the City/Town Clerk, and a certified copy filed with the SPGA, by the proponent

Within **65 days** of the application filing (Unless extended by written agreement between the SPGA & proponent that has been filed with the City/Town Clerk)

The SPGA holds a public hearing

*The hearing may be continued over the span of multiple meetings

Prior To the hearing

Notice of the hearing is mailed to parties of interest.

At least **14 days** Before hearing

The hearing is advertised in the newspaper and posted in the town hall. Notice is mailed to certified abutters and parties of interest.

The next successive week following the first notice

The hearing is again advertised in the newspaper

The SPGA reaches a decision. The decision and records of proceedings must be filed by the SPGA with the City/Town Clerk, and mailed to parties of interest within 14 days. (special permits require a 2/3 vote of a board with more than 5 members, 4 members of a 5 member board, and unanimous vote of a 3 member board)

Within **90 days** After the close of the public hearing (Unless extended by written agreement between the SPGA & proponent that has been filed with the City/Town Clerk)

If a decision is not reached by the SPGA within 90 days

Within **14 days** of the 90th day

The petitioner notifies the City/Town Clerk and parties of interest that the SPGA did not act.

Within **20 days** of notification

Appeals must be filed with the City/Town Clerk.

*Construction may begin if an appeal is filed, but will be at the proponent's own risk.

After **20 days** Of notification have passed

City/Town Clerk issues certificate stating that SPGA did not act and that constructive approval is granted

Within **20 days** of the decision filing

Appeals must be filed with the City/Town Clerk.

*Construction may begin if an appeal is filed, but will be at the proponent's own risk.

After **20 days** of the decision filing have passed

City/Town Clerk issues a certificate stating the date of approval, that no appeal was filed, or that the appeal was dismissed or denied.

The special permit decision is filed by the City/Town Clerk with the Registry of Deeds

No more than **2 years** After the decision (as specified in local bylaws or ordinances)

The special permit lapses, if construction/substantial use has not begun. (except for good cause or if another date is specified in the decision)

Berkshire Regional Planning Commission

Disclaimer: Developed as an informal guide for permit granting agencies with information current as of September, 2007. It has been transmitted for informational purposes only, and its content should not be construed as legal advice. Please consult legal counsel before taking any action on this information.
Please consult MGL C40A §11-17 for more detailed information.