Special Permits – Massachusetts General Laws, CH. 40A

A Special Permit application is filed with the Town Clerk, and a certified copy filed with the Special Permit Granting Authority (SPGA), by the proponent

Within **65 days** of the application filing (unless extended by written agreement between the SPGA & proponent that has been field with the 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

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 Town Clerk)

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

Within **20 days** of the decision filing

Appeals, if any, must be filed in the Courts, and with the Town Clerk

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

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 applicant with the Registry of Deeds. (Recording info to be provided by applicant to SPGA)

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).

Disclaimer. Developed as an informal guide for permit granting agencies with information current and updated as of November 2008. 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 40A s. 11-17 for more detailed information.