The Information contained in this guide, is not a substitute for the detailed information contained in the individual by-laws which should be consulted prior to the submission of any application for land development. In addition, this guide addresses local approvals and procedures only. Many land use developments also require state and federal permits. The appropriate agencies at these levels of government should also be consulted.
Purpose

In recognition of the need to protect the health, welfare, safety, environmental concerns, and aesthetics of our community, Medfield has adopted and implemented zoning bylaws, subdivision rules and regulations, site plan rules and regulations, public and environmental health rules and regulations, and various licensing regulations. The local rules and regulations are based on state laws that generally set parameters or minimums and then allow individual cities and towns the discretion to vary these to suit local conditions and objectives. One exception is the Building Code, which is the same throughout the State, but local governments are required to administer and enforce it. Some of the boards, commissions and departments charged with adopting and/or enforcing these rules and regulations are the Planning Board, Conservation Commission, Board of Health, Building Department, Historical Commission, Historic District Commission, Department of Public Works, Board of Selectmen and Zoning Board of Appeals.

This handout is intended to generally identify the permits that the Town of Medfield uses to review and approve projects. It is an attempt to highlight the planning necessary, the permitting required and the options available to individuals and developers who wish to consider a project within the Town. Proper planning and coordination will increase the likelihood that your project and design will be accepted, and reduce the risk of having to make significant, expensive, and time-consuming changes. The goal and purpose of this handout is to familiarize you with the processes and permits required to build or develop property in the Medfield so that the timeline for project development can be understood and streamlined. It is not intended to replace the more specific rules and regulations that each board, commission or department is charged with promulgating and enforcing.

Introduction/Initial Contacts

In general, if your project involves a new building or addition on an existing lot, or a new or expanded commercial facility or a change of use, then the building department should be your first point of contact. If your project includes the subdivision of land, you should contact the Town Planner first. In most cases, one or more other boards, commissions or departments, including Board of Health, Conservation Commission, Board of Appeals, Historical Commission, and Board of Selectmen will also need to be involved. If you wish to research the rules and regulations on your own prior to beginning the permitting process, documents that you may find useful include the Zoning Bylaws and Zoning Map, Planning Board Subdivision Rules and Regulations, Board of Health Regulations, the Wetlands Protection Act and local regulations, and General Town By-laws.

It is extremely important that you become familiar with the by-laws, rules and regulations, and methodologies pertinent to your building or development project at the outset. The best way to expedite project approval is to know the requirements and understand the process.
Some of the factors you will need to consider include the existing zoning (which regulates the allowed uses, locations of buildings and other matters); impacts on wetlands, aquifers, watersheds, floodplains or streams; water supply and waste disposal; parking and traffic impacts; stormwater drainage, signage, lighting and landscaping.

This handout offers a quick guide to the processes you need to follow and the boards, commissions or departments responsible for each. It is not meant to replace the official (and more detailed) documents.

If you are not sure if the work you are planning requires any kind of permit, it is better to check with the Building Commissioner first. The following list presents some, but not all, of the activities that require one or more permits or approvals from a town board, commission or department:

- Additions/footprint changes
- Altering a business property
- Change of use
- Connections to Town water/sewer
- Decks
- Demolitions
- Garages/barns
- Impervious surface increases
- Livestock/animals
- New houses /new roofs
- New/replacement septic systems
- New/replacement signage
- New/replacement wells
- Porches
- Renovations (interior/exterior)
- Sheds and fences
- Structural changes
- Subdividing land
- Tennis courts/swimming pools
- Tents
- Wood stoves/fireplaces

**Pre-application discussions with town staff is strongly encouraged. Delays and costly design changes in your project can often be avoided by discussing it with the appropriate entities in advance of doing any work or applying for permits.**

**Gather Information**

The Town of Medfield strongly encourages pre-application discussions for any and all projects. The amount of detail you need varies according to the nature of the project and the types of permits you need. You may consult with the appropriate boards, commissions or departments to determine the level of detail that is expected.

Statutorily, the Board of Appeals is not available for pre-application reviews but the Planning staff can assist you. At a minimum, your plans should show a rough layout and access to the lot as well as any likely wetlands, streams or flood plains that may be impacted. Obtaining and familiarizing yourself with the relevant rules and regulations from the pertinent boards, commissions or departments can significantly expedite the development process. At this point, it is not necessary to have a survey or engineered plans, but they will be required later in the process. You will receive guidance from staff on the type of information and the level of detail required for your project.

When you know the location and size of your building or development project and the uses contemplated, you should initiate contact with the Building Commissioner, Health Agent, Conservation Agent and the Town Planner. Any of these will be able to direct you appropriately to the Board of Health, Conservation Commission, Planning Board, Board of Appeals, Historical Commission, Selectmen, Licensing, Public Works, Police Department, or Fire Department as necessary. These Town agencies can advise you if your project seems feasible or what changes you should consider. They will also tell you which permits you are likely to need, roughly how long it will take to get them and whether public hearings will be required.
List of Contacts and Development-Related Town Permits
The following is a compilation of contacts and description of the various types of permits and approvals that are issued by the Town and the types of projects that they apply to. The list is meant to be illustrative only. You may need a ruling from the applicable board or commission to determine exactly which permits you need. The following contains specific bylaws, rules and regulations that apply to development projects in Medfield. Individual boards, commissions and departments may have additional materials that pertain to specific types of projects. We recommend calling before coming in to meet with the various departments as several are either staffed part-time or by one person.

To the extent feasible, you should try to determine which permits or process may be done concurrently and which must be done consecutively. For example, if you are planning an addition that requires a new septic system, you may need a wetlands &/or zoning determination for each.

Be sure to request that ALL ASPECTS of your project are included in any wetlands determination. Changes in plans may require additional review.

Building Department, Town House, Ground Floor, (508) 906-3005
- Enforcement of the State building code is the responsibility of the local inspection department which consists of a Building Commissioner, and inspectors of wiring, plumbing, and gas. Permits are issued for all new construction and all renovation projects. Inspections are made throughout the construction renovation process.
- The Building Commissioner also enforces the zoning bylaws of the Town.

Gary Pelletier, CBO, Building Commissioner/Zoning Enforcement Officer
Scott Allison, Building Department Administration
Jack Rose, Plumbing and Gas Inspector
James Leonard, Electrical Inspector

<table>
<thead>
<tr>
<th>Building Department</th>
<th>Building Permits</th>
<th>Any building or structure, additions, wood burning stoves, certain other facilities, demolition permits</th>
<th>Sheds may require permits. Fences under 6’ do not require permits. Zoning setbacks and heights must be met.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Plumbing, gas and electrical permits</td>
<td>Virtually all wiring, plumbing and gas jobs</td>
<td>Licensed electrician, plumber and gas fitter required for pulling permits.</td>
</tr>
</tbody>
</table>

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Enforcement of Zoning By-laws

General compliance with all aspects of the Zoning By-laws

Requires review prior to issuance of building permit. Pre-existing Non-Conformities/Grandfathering, Lighting, Signs, Parking, etc.

**Board of Health**, **Town House Ground Floor, (508) 906-3006**

- Board of Health (BoH) reviews plans concerning stormwater runoff, drainage and septic system design as it pertains to subdivisions, commercial properties and private homes. The Board also reviews upgrades and repairs of existing septic systems and installation of private wells. Issuance of Form A is for residents seeking Building Permits involving properties served by private septic systems. Permitting of Food Establishments, public pools, beaches, camps, keeping of animals; and beaver/muskrat trapping (emergency) permits.

- Office Hours: Monday through Friday 8:30am to 12:30 pm

Nancy Bennotti, Administrative Assistant

<table>
<thead>
<tr>
<th>Health Department/Board of Health</th>
<th>Stormwater/Drainage Plan Review</th>
<th>Septic Systems</th>
<th>Soil/Percolation Test</th>
<th>Food Establishment &amp; Temporary Food Permits</th>
<th>Wells</th>
<th>Form A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater/Drainage Plan Review</td>
<td>Plan review application, and checklist submittal, with supporting documentation</td>
<td>New system installation; upgrade and/or repair to existing systems</td>
<td>Soil test application submittal with supporting documentation</td>
<td>Operation of any food service or food retail business; including mobile food, and residential food kitchens; and temporary or seasonal events at which food will be served to the public. Plan/Spec review document and permit application submittal with supporting documentation.</td>
<td>Private well permit application submittal with supporting documentation</td>
<td>BOH review of proposed addition/renovation to properties served by septic systems. Requirement of building permit application. Form A submittal with supporting documentation</td>
</tr>
<tr>
<td>Stormwater/Drainage Plan Review</td>
<td>Stormwater regulations available at BoH office. Review by consulting engineer and approval issued by Board of Health</td>
<td>Medfield Title 5 regulations are available on the Town website. Permit review and issue by Health Agent</td>
<td>Soil test application and excerpt of soil testing requirements available on town website. Permit review and issue by Health Agent</td>
<td>Food Plan/Specification Review - document review by Health Agent. Depending on permit; issue by either Board of Health or Health Agent</td>
<td>Private well regulations and permit application Available on Town website. Permit application review and issue by Health Agent</td>
<td>Form A available at BOH office. Review and issue by Health Agent</td>
</tr>
</tbody>
</table>
### Other Permits

- Tobacco and Nicotine Delivery Products; septic hauler, septic installer, and offal; semi-public and public pools; beach, camp, animals, beaver/muskrat trapping (emergency) permits, and MA Rental Voucher Program (MRVP) inspections

**Department of Public Works**, (DPW) 55 North Meadows Road, (508) 906-3003

**Water and Sewer Department**, Town House Ground Floor, (508) 906-3004

- Responsible for water and sewer connection permits and billing
- Transfer Station Permits
- Driveway / road opening permits
- Stormwater permits for land disturbances of one acre or more

**Donna Cimeno**, Public Works Department  
**Tracey Klenk**, Water and Sewer Department  
**Maurice Goulet**, Director of Public Works  
**Ed Hinkley**, Tree Warden

<table>
<thead>
<tr>
<th>DPW</th>
<th>Various Permit</th>
<th>Curb cuts/driveway openings, Town water connections, Town sewer connections, hydrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Management</td>
<td>Review soil erosion, sedimentation, and stormwater runoff</td>
<td>Town Code Section 235</td>
</tr>
<tr>
<td>Public Shade Tree Law</td>
<td>Trees within the boundaries of a public right of way</td>
<td>MGL Chapter 87</td>
</tr>
</tbody>
</table>

### Planning & Zoning, Town House Second Floor, (508) 906-3027

- **Zoning Board of Appeals**
- **Planning Board**
- **Zoning Map / Use Regulations / Area & Setback Regulations / Height & Bulk Regulations**

**Sarah Raposa, AICP**, Town Planner  
**Marion Bonoldi**, Recording Secretary

<table>
<thead>
<tr>
<th>Board of Appeals</th>
<th>Findings</th>
<th>Extension, change or alteration of a preexisting non-conforming use or structure.</th>
<th>MGL Ch 40A §6 and Medfield Zoning Bylaw Article 9 Dimensional Requirements: Area / Height &amp; Bulk</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Special Permits</td>
<td>Certain uses as identified in the Medfield zoning bylaw</td>
<td><strong>Chapter 300a</strong>, Table of Use Regulations Article 7, Open Space Residential Zoning</td>
</tr>
</tbody>
</table>

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### Planning Board

<table>
<thead>
<tr>
<th>Relief from zoning relative to dimensional requirements</th>
<th>Need to demonstrate a hardship directly related to soil, shape or topographical conditions (MGL Ch 40A §10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval Not Required (ANR) Plan</td>
<td>Exemptions to the Subdivision Control Law (MGL Ch 41 §81P)</td>
</tr>
<tr>
<td>To create a new lot where there is sufficient frontage on an existing way</td>
<td>A preliminary plan is required for commercial property and it is recommended for residential subdivisions (MGL Ch 41 §81L)</td>
</tr>
<tr>
<td>Creating new lots by constructing a new road</td>
<td>This assures that parking, drainage, lighting, etc. are adequate. See Article 14.12 of the zoning by-law.</td>
</tr>
<tr>
<td>New or expanded commercial/industrial uses Multi-Family in USSOD</td>
<td></td>
</tr>
<tr>
<td>Two-Family &amp; Multi-Family Dwellings in the RU District</td>
<td>Article 14.15</td>
</tr>
<tr>
<td>Large-scale, ground-mounted solar arrays</td>
<td>Article 19, Photovoltaic Overlay District</td>
</tr>
<tr>
<td>Protects significant features like trees and stone walls within the public road layout</td>
<td>Chapter 210, Scenic Roads: Causeway St, Foundry St, Hartford St, portion of North St, Orchard St, Philip St, portion of Pine St, School St, Wight St</td>
</tr>
</tbody>
</table>

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**Conservation Commission**, Town House Second Floor, (508) 906-3028
- Enforces MA Wetlands Protection Act, Chapter 131 and Medfield Wetlands Bylaw
- Office Hours: Generally Tuesday, Wednesday, Thursday afternoons Always phone ahead as the agent may be out doing field work

Leslee Willitts, Conservation Agent
<table>
<thead>
<tr>
<th>Conservation Commission</th>
<th>Determination of Applicability</th>
<th>To determine whether any wetlands on your property will be impacted by your project.</th>
<th>Chapter 290, <strong>Wetlands</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbreviated Notice of Resource Area Delineation</td>
<td>This establishes the extent of wetlands or other protected resources on your property.</td>
<td>This process allows the resources to be identified prior to the design of the project so that the project can be designed to minimize its impact on the resources.</td>
<td></td>
</tr>
<tr>
<td>Notice of Intent</td>
<td>Any project that disturbs land within 100 feet of wetlands, or 200 feet of a stream/river.</td>
<td>An Order of Conditions is the approval document issued that states mitigating actions that must be done to minimize the impacts of the project.</td>
<td></td>
</tr>
<tr>
<td>Request for Certificate of Compliance</td>
<td>Documentation that Order of Conditions was complied with</td>
<td>This is issued following an inspection after the project is complete.</td>
<td></td>
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</table>

**RECOMMENDED PERMITTING ORDER:**
1. Board of Health, DPW, and Conservation Commission
2. Concurrent Submittal to Planning Board and Zoning Board of Appeals (process: open with Planning Board Hearing so feedback can be provided to ZBA; obtain ZBA Decision; obtain Planning Board Decision)

**Selectmen’s Office** and **Town Administration** Town House Second Floor, (508) 906-3012
- Town Licensing Authority
- Earth Removal Permits

**Kristine Trierweiler,** Town Administrator  
**Evelyn Clarke,** Administrative Assistant

<table>
<thead>
<tr>
<th>Selectmen</th>
<th>Various Licenses</th>
<th>Liquor licenses, common victualler licenses, entertainment licenses</th>
<th>Licenses are issued by the Board of Selectmen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit</td>
<td>Earth removal</td>
<td>Medfield Zoning Bylaw <strong>Article 12</strong></td>
<td>---------------------------------------------</td>
</tr>
</tbody>
</table>
Historic Preservation: Historical Commission / Historic District Commission

- Contacts may be obtained through the Building Department

<table>
<thead>
<tr>
<th>Historical Commission</th>
<th>Reviews applications for demolition of structures over 50 years old</th>
<th>For demolition of historically significant structures / buildings</th>
<th>Town Bylaw 16, Demolition (Historic &amp; Archeological)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic District Commission</td>
<td>Reviews applications for demolition of structures in local Historic Districts</td>
<td>John Metcalf, Hospital Farm, Clark-Kingsbury and Town Center</td>
<td>MGL Ch. 40C</td>
</tr>
</tbody>
</table>

Sign Advisory Board

- Contacts may be obtained through the Building Department

<table>
<thead>
<tr>
<th>Sign Advisory Board</th>
<th>Reviews applications for signage</th>
<th>For permanent and temporary sign; sign limitations on size and location</th>
<th>Zoning Bylaw Article 13 (adhere to required setbacks)</th>
</tr>
</thead>
</table>

Assessors Department, Town House Second Floor, (508) 906-3015
Yvonne Remillard, Principal Assessor
Kathy Mills, Administrative Assistant
Diane Clancy, Field Appraiser/Admin Assistant

<table>
<thead>
<tr>
<th>Assessing</th>
<th>Various</th>
<th>Tax rate, property assessment, excise tax abatement</th>
<th>New lots are assessed when the plan is endorsed by the Planning Board, not when recorded at the Registry of Deeds</th>
</tr>
</thead>
</table>

Town Clerk, 459 Main Street, Medfield (508) 906-3024
- The Town Clerk is responsible for the maintenance of factual public records, the administration of fair and accurate elections, and the registration of Town voters.

Carol Mayer, Town Clerk

<table>
<thead>
<tr>
<th>Town Clerk</th>
<th>Various</th>
<th>Business licenses, filing of planning and zoning applications and decisions</th>
<th>Medfield Town Charter and Town Code</th>
</tr>
</thead>
</table>

Police Department, 114 North Street, Medfield (508) 359-2315
- Reviews projects for various safety provisions and traffic impacts

Michelle Guerette, Chief of Police

Fire Department, 114 North Street, Medfield (508) 359-2323
- Inspection & permitting of smoke/CO detectors, fuel storage, oil burners, open burning, hydrants
- 527 CMR Fire Prevention Regulations, MGL Chapter 148 Fire Prevention

William Carrico, Fire Chief
What if I want to construct a new home, addition, or new business? New construction and additions sometimes requires one or more permits, depending on the size, location, and proposed use of the structure. Your first step should be to consult the Building Commissioner. The Building Commissioner will discuss with you the property improvements you propose, and what the typical permit requirements are. The Building Commissioner will inform you of other regulations, like environmental regulations, wetlands, etc. that might apply to your site. He will also guide you to the Zoning Bylaw, which specifies minimum lot area, setbacks for front, rear, and side yards, lot coverages, and permitted uses in specific districts.

How do I know what laws apply to my project? Call the Building Commissioner or Town Planner for help in determining the various laws and regulations that govern your project and your site.

What is Zoning? All property in Medfield is classified into a zoning district. These districts are located on the official Zoning Map, which can be found in the Zoning Bylaw or on the free online interactive maps on the Town website. These districts define the uses that are allowed in that district by right or by special permit (see Attachment 1 of the Zoning Bylaw). Each district also has specific regulations for lot sizes and setbacks (see Attachment 2). Specific regulations for parking (see Section 8), various commercial uses allowable by special permit (see Section 14). There are also several “overlay” districts that stipulate additional development controls in some areas of the Town such as floodplains, watershed, and aquifer protection.

What is the difference between the Zoning Code and the Building Code? Zoning regulations are established by the Town and adopted at Town Meetings. Zoning determines the types of structures and uses that are allowed in each zoning district. No matter where your property is located in town, it is subject to some type of zoning. The Building Code is established by the Commonwealth of Massachusetts and applies to all structures and buildings, no matter the use or location. The Building Code sets the minimum safety standards to protect the health and safety of the building occupants and neighbors.

What if my proposed structure or use is not allowed by the Zoning Bylaws? Some uses are not allowed, and others are allowed only with a Special Permit. A Special Permit means that the use is not normally permitted, but the Town will consider allowing it if it meets certain criteria and is judged to be an overall benefit to the Town. Section 14 of the Zoning Bylaw outlines the process and the uses subject to Special Permits. In other cases, when a proposed structure cannot fit properly on a lot, a Variance pursuant to MGL Chapter 40A Section 10 may be required. Use variances are not allowable in Medfield. Please contact the Building Commissioner or Town Planner for more information.

What are zoning nonconformities? Zoning nonconformities are defined as parcels, land uses, buildings, structures, or situations that do not conform with current zoning regulations. Examples include: older lots or
subdivisions with lots that met the size requirement at the time (an increase in lot size or a reduction in density is called “down-zoning”), a building built to lesser setbacks than are currently required, a two-family or multifamily dwelling in a single-family zoning district, or a residential dwelling in a business zone.

**Can zoning nonconformities legally continue to exist?** Yes. The zoning bylaw allows nonconformities to continue. If certain nonconformities are abandoned, damaged, or destroyed, the regulations restrict their replacement. For further information talk to the Building Commissioner or Town Planner.

**Can zoning nonconformities be enlarged?** Generally, no. However, a nonconforming parcel (substandard lot) and nonconforming residential use (lot size, perfect square, setbacks, etc.) may be enlarged under certain circumstances and with some restrictions. The Building Commissioner is authorized to make certain Section 6 findings during the building permit review process. If the project proposes to make existing nonconformities worse or create new nonconformities, please speak with the Town Planner for an application to the ZBA. All teardowns on nonconforming lots require a special permit from the ZBA.

**When can zoning nonconformities be replaced as they currently exist?** Zoning nonconformities can be replaced as they currently exist when they require maintenance, become damaged, or in the case of most residential uses, are destroyed by an act of nature or other unintentional event.

**When must zoning nonconformities be replaced to conform with current zoning requirements?** When zoning nonconformities are intentionally destroyed, demolished or removed from the site, they may only be replaced in conformance with the current zoning requirements. Also, when nonresidential nonconformities are abandoned or demolished (intentionally or unintentionally), they may only be replaced in conformance with the current zoning requirements.

**Other Resources:**
- Medfield Town Charter and Town Code – Source for town government structure and laws
- Medfield Assessor’s Property Assessments – Review an abbreviated property record card
- Massachusetts General Laws (MGL) – Source for state laws
- Massachusetts State Building Code - 780 CMR
- Norfolk County Registry of Deeds – Research your deed, easements, and original subdivision plans
- MassGIS Oliver – Statewide Geographic Information System (GIS Mapping)
- FEMA FIRM-ette – Create and print your own Flood Insurance Rate Maps (FIRMs)

**The Process**
The flowcharts and diagrams that follow illustrate the application and review process for typical permits. These reviews and timelines are governed by local and State laws. Applicants are reminded that several permits may be required for a project. All applicants are encouraged to speak with Town staff before applying for permits. We can help you understand the required forms, the process, and the review criteria.
Town of Medfield Building Permit Process

1) Project is proposed. Applicant contacts the Building Commissioner (BC).

2) BC determines whether proposed use is allowed in the district.

3) Will the land be subdivided?

4) Applicant is encouraged to meet with various departments or request a departmental meeting with various staff to informally discuss plans, and to receive input regarding other possible requirements. Contact the Town Planner.

5) Are other permits or approvals required?

6) Applicant files for other required approvals (Special Permit, Subdivision, Site Plan Approval, Wetlands permits, Historic District Commission, Historical Commission, Stormwater, etc.)

7) Other required permits and approvals are received

8) Applicant files for a Building Permit. (Be sure to read instructions and include all required information.)

9) Application is deemed complete, includes fee payment, and is stamped received. 30-day clock starts

10) Plan Review. 30 day maximum. Plan Review includes:
- Tax status is checked (2 days – 1 wk)
- Fire Chief review: alarm system, smoke detectors, carbon monoxide, sprinklers, etc. (10 days)
- Conservation Commission review: wetlands and rivers reg, endangered species, etc. (1 wk)
- Board of Health review: health code, wells, septic systems, housing code, etc. (1 wk)
- Zoning review: zoning code, overlay districts, site plan approvals, existing special permits, MGL Ch 40A, etc. (1 wk)
- Building Code review: structural and engineering, energy, accessibility, fire, plumbing, electrical, mechanical, etc. (1 wk)

11) Post plan review. BC gathers all info from Plan review and issues decision.

12) Application is approved and permit is issued via email

13) Construction begins

14) Contractor calls to schedule necessary inspections when work is ready.

15) Inspection is scheduled.

16) Proceed to next inspection. Repeat 15-17 as necessary.

17) Final inspections are passed.

18) Construction is complete. Assessor is notified. Certificate of Occupancy is issued. Congratulations!
Special Permits—Massachusetts General Laws, Ch. 40A

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)

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)

Within 20 days of the decision filing

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.

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

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

Within 20 days of notification

Notice of the hearing is mailed to parties of interest.

Within 14 days of the 90th day

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

Within the next successive week following the first notice

The hearing is advertised in the newspaper.

Within 90 days

Applies 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.

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

Within 20 days of the decision filing

After the decision

(As specified in local bylaws or ordinances)

No more than 2 years

Prior to the hearing

At least 14 days before hearing

Decision:
Developed as an informal guide for permit granting agencies with information current as of September 2003. It has been prepared for informational purposes only and its content should not be considered as legal advice. Please consult legal counsel before taking any action in this discussion. Please consult MGL C40A §11-17 for more detailed information.
Residential Subdivision—Massachusetts General Laws, Ch. 41

Preliminary Plan Submitted before a Definitive Plan

The Board of Health reports their approval or disapproval of the plan. Failure to report shall be deemed approval.

The planning board approves, approves with modifications, or disapproves the plan.

Within 90 days of the plan submittal, unless extended by written agreement between the planning board and the applicant that has been filed with the City/Town Clerk.

Within 20 days of the certificate filing, after the decision filing has been made.

The planning board endorses the plan (if approved). The signed plan is delivered to the applicant by the planning board.

Within 6 months of plan endorsement, the plan and its certificate are filed at the Registry of Deeds.

The plan is submitted to the planning board and board of health, and a notice of plan submittal to the City/Town Clerk, either by delivery in person or by certified mail. A copy of the plan must also be filed with the Board of Health.

Within 45 days of the plan submittal (unless extended by written agreement between the planning board and the applicant that has been filed with the City/Town Clerk).

At least 14 days before the hearing, notice is mailed to the applicant and abutting landowners.

The hearing is advertised in the newspaper and posted in the town hall. Notice is mailed to the applicant and abutting landowners.

The hearing is advertised in the newspaper.

The hearing is again advertised in the newspaper.

The planning board holds a public hearing. *The hearing may be continued over the span of multiple meetings.

The planning board issues a certificate stating that the Planning Board did not act and that constructive approval is granted. The plan and certificate of constructive approval are delivered to the applicant by the City/Town Clerk.

* = at the expense of the applicant.
Photo credit: Alec Stevens