

APPENDIX A

RULES RELATIVE TO THE ISSUANCE OF SPECIAL PERMITS

RULES & REGULATIONS FOR THE PLANNING BOARD ACTING AS THE SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

Adopted under the provisions of Chapter 40A, Section 9, M.G.L.

- A.** A request for a special permit for a use or activity requiring such permit from this Board under the Zoning By-Laws of the Town of Wilbraham shall include the following:
 - 1.** An application on an approved form with a copy filed with the Town Clerk;
 - 2.** A fee of one hundred dollars (\$100) to cover the cost of the public hearing expenses;
 - 3.** Ten (10) copies of plans and specifications;
 - 4.** Copies of all documentation required by either the Zoning By-Laws or the Rules & Regulations Governing Subdivision of Land of this Board.
- B.** An application will not be accepted until all of the information required by Statute, Zoning By-Laws or Subdivision Rules & Regulations is on file in the Board Office.
- C.** The Board will schedule a public hearing at the earliest possible date, but no later than 65 days after filing of the application depending on the availability of needed information and response from other interested boards and agencies, and publication time as required by Chapter 40A, Section 11.
- D.** The notice of the public hearing shall include:
 - 1.** Name of the applicant;
 - 2.** Location of the area or premises including a street address;
 - 3.** Subject matter of the hearing;
 - 4.** Date, time and place of hearing.
- E.** Notice of the public hearing shall be:
 - 1.** Published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication of which shall not be less than 14 days before the day of the hearing;
 - 2.** Posted on the Bulletin Board in the Town Office for a period of not less than 14 days before the day of the hearing;
 - 3.** Mailed to "Parties in Interest" which shall include: the applicant, abutters, owners of land directly opposite on any public or private street or way, the owners of land within 300 feet of the property lines, and the Planning Boards of every abutting city or town. (The Assessors shall certify the names and addresses of "Parties in Interest"); and
 - 4.** Mailed to other interested individuals, boards or agencies as deemed advisable by this Board.
- F.** If this Board has requested a review of special permit applications by other boards or agencies, these boards or agencies shall make their recommendations, if any comments are desired, by submittal in writing to the Board within thirty-five (35) days after receipt of the application by them.

G. Within ninety (90) days following the date of the public hearing, the SPGA shall take final action. If this Board fails to take final action within the ninety (90) day limit, the special permit shall be deemed granted.

NOTE: The issuance of a special permit requires a vote of at least four (4) members of a five (5) member board.

H. Before granting a special permit, this Board shall find that the proposed use or activity is in compliance with all provisions and requirements of the Zoning By-Laws, and in harmony with its general purpose and intent.

I. Special permits may be issued subject to such conditions, safeguards, or limitations on time or use as the Board may impose for the protection of neighboring uses or otherwise serving the purposes of the By-Laws. Such conditions, safeguards and limitations shall be imposed in writing.

J. This Board will keep a detailed record of its proceedings, which record will indicate:

1. Vote of each member upon each questions, including whether the member was absent or failed to vote;
2. Reason or reasons for Board's decision; and
3. Official action taken.

K. Upon the granting of a special permit, this Board shall:

1. File a copy of the decision with the record of its proceedings and plans with the Town Clerk;
2. Mail a certified copy of its decision to the owner and to the applicant, if other than the owner; and
3. Send a notice of the decision to the "Parties in Interest" and to persons who requested a notice at the public hearing.

L. A special permit shall not take effect until:

1. Town Clerk certifies on a copy of the Decision, issued by this Board to the owner, that twenty (20) days have elapsed without the filing of an appeal or that any appeal filed has been dismissed or denied; and
2. A certified copy of the Decision has been recorded at the owner's expense in the Hampden County Registry of Deeds, indexed in the grantor index under the name of the record owner, and noted on the owner's certificate of title.

M. If an application is unfavorably acted upon, the applicant may not reapply within 2 years except by:

1. First requesting the Board's consent to such action;
 - a. The Board, before voting on whether to give such consent, shall notify all "Parties of Interest" of the time and place when the question of such consent will be considered;
 - b. All but one of the Members of the Board must consent.
2. The Board may allow reapplication after making findings of specific material changes in the conditions upon which the unfavorable action was based, and must describe such changes in the record of its proceedings.

N. Any application for a special permit may be withdrawn without prejudice by the petitioner prior to the publication of the first public hearing notice. Once the notice has been published, a withdrawal without prejudice may only be with the approval of this Board.

**WILBRAHAM PLANNING BOARD
ADOPTED: 6-25-80**

