

Submission

Consult with Planning Board

Prior to preparing a special permit application, the Board recommends that it be consulted to help ensure that the application will contain such information as the Board requires to make its decision.

Prepare Plans

Plans must be prepared in accordance with the requirements of section VIII.2.

File with Town Clerk and Planning Board

For the Town to act on a special permit application in a timely manner, the applicant must file the following information with the Town Clerk and Planning Board.

The applicant must first file the following materials with the Town Clerk:

- Two copies of the Special Permit Application Form furnished by the Town Clerk or Building Inspector, a copy of which is in Appendix B.
- One copy of all plans and supporting documentation.

The Town Clerk shall certify the date and time of filing on the application forms, and return one copy of the form to the applicant.

The applicant shall forthwith submit the following materials to the Planning Board:

- The Special Permit Application Form certified by the Town Clerk.
- A fee as indicated in Appendix A
- Seven copies of all plans and supporting documentation. In certain cases the number of copies may be reduced after consulting with the Board.
- The names and addresses of the parties in interest on a form furnished by the Board of Assessors. Parties in interest include:
 - a) the petitioner,
 - b) abutters,
 - c) owners of land directly opposite on any public or private street or way,
 - d) abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list,
 - e) the Planning Board,
 - f) the planning boards of the six neighboring towns, North Brookfield, East Brookfield, West Brookfield, Warren, Brimfield, and Sturbridge.

The Board of Assessors shall certify the names and addresses of the property owners taken from the tax list.

- One set of envelopes addressed to the parties in interest showing, as a return address, the Brookfield Planning Board, 6 Central St, Brookfield, MA 01506. See Appendix A for postage fee information.

Period for Action

As described in MGL c. 40A §9 and reiterated in the Zoning By-law §12.C.6, the Board shall hold a public hearing within 65 days of the application being filed with the Town

Clerk, and shall render a decision within 90 days following the close of the public hearing. Extensions of the period for action are possible, as described in the law.

Processing

After receiving an application for a special permit, at its next meeting the Board shall determine if the application is complete. If the Board deems that all required information is not submitted, it shall forthwith return the application and fee to the applicant with a statement as to its deficiency, and notify the Town Clerk that the application was invalid.

For applications accepted by the Board, the Board shall inform the applicant whether it intends to have the plans reviewed by its consultants. The Board shall obtain an estimate from its consultant for the cost of the review and the applicant shall bear the cost of this service. Failure to pay any review costs shall be grounds for denial of the special permit.

The Board shall forward one copy of the plan and supporting documentation to any party it deems necessary such as the Building Inspector, the Highway Superintendent, the Board of Health, the Conservation Commission, the Fire Chief, the Police Chief, and the Board's consultant.

The Board may wish to view the site and will contact the applicant to schedule a mutually convenient time for the visit.

Hearing

Before the Board can decide on a special permit application, it must hold a public hearing as described in Article IX.

The Secretary shall advertise a notification of the hearing as specified in MGL c.40A §11. The cost of advertising is included in the applicant's fee.

In addition, the Secretary shall mail a copy of the advertised notice to the parties in interest in the pre-addressed envelopes provided by the applicant so that the postmark date is at least fourteen (14) days prior to the date of the hearing.

Voting Requirements

Four members of the Board shall constitute a quorum. An affirmative vote of four members of the Board shall be necessary to grant a special permit. Only members who have attended the public hearing, including any continuations thereof, may vote.

The minutes shall show the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

Contents of Decision and of Notice of Decision

The Board must put the reasons for a special permit decision in writing and file it with the Town Clerk, and it must send a notice of the decision to certain parties, as described in the next section. This section discusses what information the decision and the notice must contain.

The decision must contain:

- the Board's findings of fact in the case including, at a minimum, the name and address of the owner and applicant, identification of the property, and description of the proposed use;
- citations of specific sections of the zoning by-law that apply either in support of or in opposition to the proposed use;
- explanations of how the application complies or does not comply with each relevant requirement of the by-law;
- references to any supporting documentation;
- the details of any conditions placed on the permit, giving reasons for each condition;
- the vote of each member upon each question or, if absent or failing to vote, indication of such fact.

Appendix B provides a special permit decision template.

The notice of decision, which is mailed to certain parties as described in the next section, must specify:

- whether the Board approved or denied the application;
- where the full decision can be viewed; i.e. at the Town Clerk's office;
- that any appeal must be made pursuant to MGL c. 40A §17 and filed within 20 days after the date the decision was filed with the Town Clerk.

Appendix B provides a notice of decision template and a form letter to be sent to the applicant if the permit was granted.

Filing

Within 14 days of its vote, and prior to the end of the 90-day period, the Board will file a copy of its decision, certified by the Secretary of the Board, with the Town Clerk.

The Board will forthwith mail a notice of its decision to the owner, to the applicant if other than the owner, to the parties in interest, and to those persons present at the public hearing who asked that a notice of the decision be sent to them.

Appeals

Pursuant to MGL c. 40A §17, appeals of the Board's decision must be filed within 20 days after the date of filing of the decision with the Town Clerk.

Effective Conditions

The special permit will take effect upon:

- a) certification by the Town Clerk that 20 days have elapsed since the filing of the decision and that no appeal has been filed (or if an appeal has been filed that it has been dismissed or denied);

and

- b) the certified decision has been recorded in the Registry of Deeds, indexed in the grantor index under the name of the owner of record, or recorded and noted on the owner's certificate of title. The applicant must record the decision at his own expense.

Withdrawal

An application may be withdrawn by notice in writing to the Secretary at any time prior to the publication of the notice of the public hearing by the Board. Requests to withdraw at other times may be granted by a vote of the Board upon formal, written request, and after any outstanding fees are paid.