

HOUSE No. 4047

The Commonwealth of Massachusetts

PRESENTED BY:

John Barrett, III

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to special permits.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/16/2025</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>9/2/2025</i>

HOUSE No. 4047

By Representative Barrett of North Adams, a petition (accompanied by bill, House, No. 4047) of John Barrett, III relative to special permits. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relating to special permits.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 11 of chapter 40A of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in lines 3 to 7, inclusive, the words “two
3 successive weeks, the first publication to be not less than fourteen days before the day of the
4 hearing and by posting such notice in a conspicuous place in the city or town hall for a period of
5 not less than fourteen days before the day of such hearing” and inserting in place thereof the
6 following words:- 4 successive weeks, the first publication to be not less than 30 days before the
7 day of the hearing, by posting such notice in a conspicuous place in the city or town hall for a
8 period of not less than 30 days before the day of such hearing and by posting such notice on the
9 city or town’s website for a period of not less than 30 days before the day of such hearing.

10 SECTION 2. Said section 11 of said chapter 40A, as so appearing, is hereby further
11 amended by inserting, in line 16, after the word “town” the following words:- ; provided, that,
12 for the purposes of judicial review pursuant to section 17, “parties in interest” shall include non-
13 abutters who demonstrate that: (i) the use for which the permit or special permit was granted

14 violates or is likely to violate a municipal nuisance, environment or other quality-of-life
15 ordinance; and (ii) either: (1) the violation of the municipal ordinance aggrieves a substantial
16 number of non-abutters; or (2) the decision of the special permit granting or permit granting
17 authority was procedurally flawed.

18 SECTION 3. Said section 11 of said chapter 40A, as so appearing, is hereby further
19 amended by striking out, in lines 27 to 29, inclusive, the words “street address, if any, or other
20 adequate identification of the location, of the area or premises which is the subject of the
21 petition” and inserting in place thereof the following words:- a map of the area or premises
22 which is the subject of the petition including the names and street addresses of all abutters.

23 SECTION 4. Said chapter 40A is hereby further amended by inserting after section 11
24 the following section:-

25 Section 11A. (a) Prior to filing an appeal in court pursuant to section 17, non-abutters
26 qualifying as parties in interest pursuant to section 11 may submit to the special permit granting
27 or permit granting authority or the board of appeals a written demand for relief, reasonably
28 describing the permit decision at issue, the municipal ordinance being violated, the grievance
29 being caused by the violation, the persons being aggrieved, any procedural flaws in the
30 authority’s decision and the relief sought.

31 (b) The special permit granting or permit granting authority or the board of appeals shall
32 review a written demand for relief received pursuant to subsection (a) and make a reply to the
33 non-abutters notifying them of its final decision on the matter.