

Massachusetts House of Representatives Bill Summary

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| Bill No.: | H.4047 |
| Title: | An Act relating to special permits |
| Sponsor: | Rep. John Barrett |
| Committee: | Municipalities and Regional Government |
| Hearing Date: | July 22, 2025 |
| Current Law: | <p>MGL Chapter 40A, Section 11 concerns notice requirements for public hearings; parties in interest defined; review of special permit petitions; recording copies of special permit and variance decisions. It states that when notice of a public hearing is required, the notice shall be published in a newspaper once in two weeks in a row, with the first publication at least 14 days before the hearing, and by posting the notice in a conspicuous place in the city or town hall at least 14 days in advance. The notice must also be mailed to the parties in interest (as defined in the law). The law also lists what information must be included in such notices, as well as the process for reviewing applications for special permits and the procedures to be followed once a decision has been made.</p> |
| Summary: | <p>This legislation amends the law which governs special permit public hearing notification procedures by extending the notice period, expanding the definition of a party in interest, modifying the process for identifying abutters, and adding an appeals process for non-abutters who feel aggrieved by the permit decision.</p> <p>Section 1 of the bill doubles from 2 to 4 successive weeks the time that a legal notice for a special permit public hearing must be published in the local newspaper, with the first publication taking place at least 30 days in advance of the hearing, rather than 14. The notice would also have to be posted in the city or town hall and on the city or town's website for at least 30 days.</p> <p>Section 2 amends the law to expand the definition of "parties in interest" to include non-abutters who demonstrate that:</p> <ul style="list-style-type: none">- The use for which the permit or special permit was granted violates or is likely to violate a municipal nuisance, environment or other quality-of-life ordinance, and either- the violation of the municipal ordinance aggrieves a substantial number of non-abutters, or the decision of the special permit granting or permit granting authority was procedurally flawed. |

Section 3 seeks to clarify the methodology used to determine the area affected by the petition for a permit or special permit, through use of a map of the area containing the names and street addresses of all abutters to the subject property.

Section 4 amends the law by adding a new section to the appeals process which would take place before filing an appeal in court, by offering the parties in interest an opportunity to ask the permit granting authority, special permit granting authority or board of appeals for relief from their decision. A written demand for relief would need to describe the issue, the municipal ordinance they claim is being violated, the grievance caused by the violation, the persons being aggrieved, any procedural flaws, and the nature of the relief that is being sought. The authority would review the demand for relief and reply to the non-abutters notifying them of its final decision on the matter. No deadline or other timeframe is provided for this process.