

Conway Special Permits Process

(from Massachusetts General Laws, Ch. 40A, Section 9)

1. The petitioner files a Special Permit application with the Town Clerk. Petitioner then files a copy of the application that has been date and time certified by the Town Clerk with the Special Permit Granting Authority (SPGA).
2. Public hearing is scheduled. Notice of the public hearing is mailed to parties in interest. Parties in interest include: petitioner, abutters within 300 feet of property lines, owners of the land directly opposite, Planning Boards of any abutting towns.
3. **At least 14 days** before the public hearing, it is advertised in the newspaper and posted in the town hall.
4. **The next successive week** following the first notice, the public hearing is again advertised in the newspaper.
5. **Within 65 days** of the application filing the SPGA holds a public hearing (unless extended by a written agreement between the SPGA and the petitioner, which has been filed with the Town Clerk). The hearing may be continued over the span of multiple meetings.
6. **Within 90 days** after the close of the public hearing (unless extended by a written agreement between the SPGA and the petitioner, which has been filed with the Town Clerk), the SPGA either reaches a decision or does not reach a decision.
7. **IF THE SPGA REACHES A DECISION:**
 - a. **If the SPGA reaches a decision**, the decision and records of the proceedings must be filed by the SPGA with the Town Clerk and mailed to parties in interest **within 14 days**. Special Permits require a 2/3 vote of a board with more than 5 members, 4 members of a 5-member board, and unanimous vote of a 3-member board.
 - b. **Within 20 days** of the decision filing, appeals of the SPGA decision must be filed with the Town Clerk. Construction may begin if an appeal is filed, but it will be at the petitioner's own risk.

- c. **20 days after** the decision filing, the Town Clerk issues a certificate stating the date of approval, that no appeal was filed, or that the appeal was dismissed or denied. The certified Special Permit decision is filed by the petitioner with the Registry of Deeds.
- d. **Within 1 year** after the decision, the Special Permit lapses if construction has not begun (except for good cause).
- e. **With 2 years** after the decision, the Special Permit lapses if substantial use has not begun (except for good cause).

8. IF THE SPGA DOES NOT REACH A DECISION:

- a. **If a decision is not reached** by the SPGA **within 90 days**, it shall be deemed to be a constructive granting of the Special Permit.
- b. **Within 14 days** of the 90th day, the petitioner notifies the Town Clerk and parties in interest that the SPGA did not act.
- c. **Within 20 days** of the petitioner's notification, appeals must be filed with the Town Clerk. Construction may begin if an appeal is filed, but it will be at the petitioner's own risk.
- d. **After 20 days** of notification have passed, the Town Clerk issues a certificate stating that the SPGA did not act, and approval of the Special Permit is granted.