

Chapter 245. Special Permits

§ 245-1. Authority.

Chapter 40A, §9 of the Massachusetts General Laws provides for the issuance of special permits for specific uses when authorized by the Zoning Bylaws. The Middleton Zoning Bylaws designate the Planning Board as the special permit granting authority for Flexible Development (§235-7.3), multifamily or attached dwellings in the R-2 Zone (§ 235-7.1), conversion of single-family to more than one dwelling use (§235-7.1), Two-family dwelling in R1a & R1b Zones (§235-3.1.3). All other special permits are granted by the Board of Appeals.

§ 245-2. Application procedure.

- A. The applicant should submit a request for the issuance of a special permit by completing Form G,¹ Application for a Special Permit by the Planning Board, and filing one original application with the required plans, eight (8) copies of application, plans, and attachments, one (1) PDF copy, and a filing fee of \$100 with the Town Clerk. The applicant is also responsible for the cost of the legal advertisement and will be billed directly by the newspaper.
- B. Certified list of abutters, as defined by MGL Chapter 40A, §11.
- C. If the project involves a subdivision of land, a definitive plan which conforms to the requirements of §250 (Planning Board Rules & Regulations regarding Subdivision of Land) should be submitted at the same time as the application for a special permit.
- D. Contents of the plan.
 1. For flexible developments the plans shall be in conformance with the requirements found in Section 235-7.3 of the Zoning Bylaw.
 2. For conversion of a one-family dwelling to two and two-family dwellings units (R-2 Zone, R1a, and R1b zones) the plan shall conform to the requirements for Site Plans (§235-9.5.4 & 9.5.5.).
 3. The Board may, upon written request of the applicant, waive any of the technical requirements of this section where the project involves relatively simple development plans or constitutes a minor site plan.

§ 245-3. Hearing and notice; decision.

- A. Upon receipt of the application and supporting plans, the Board will conduct a public hearing within 65 days. Notice of such hearing, prepared and sent by the Board, shall be given in each of two successive weeks by advertisement in a newspaper of general circulation in the Town prior to such hearing. The Board shall notify the abutters by mail. Whenever possible, the Board will schedule the public hearing on a special permit application and a definitive plan at the same

¹ Editor's Note: Form G is included at the end of this chapter.

meeting. The Board may approve, disapprove or approve with appropriate safeguards and conditions.

- B. An affirmative vote of the Board shall require approval by at least four members prior to issuance of a special permit. The Board will report its decision to the Town Clerk, and to the applicant within 90 days of the close of the public hearing.
- C. In rendering its decision, the Board will consider if the proposal is in harmony with the general purpose and intent of the Zoning Bylaws. The Board must also be satisfied that all provisions of the Zoning Bylaws have been met unless specific waivers have been granted.
- D. The Board shall provide that a special permit shall lapse within a specified period of time (not to exceed two years) if the construction has not begun by that time.

SPECIAL PERMITS
245 Attachment 1
Town of Middleton
FORM G
PLANNING BOARD SPECIAL PERMIT APPLICATION

APPLICANT NAME

ADDRESS

OWNER OF RECORD NAME

ADDRESS

Location of Property: _____

Assessors' Map/Lot No. _____

- _____ a. Flexible Development (section 7.3)
- _____ b. Multifamily Development (Section 7.1)
- _____ c. Conversion of a Single-Family Dwelling (Section 7.2)
- _____ d. Two-Family Dwelling (Section 3.1.3)

NOTE: If the applicant is not the owner of record, he must present evidence of authorization to act on behalf of the owner.

Date of Submission _____
DATE

APPLICANT SIGNATURE

Received by Planning Board _____
DATE

SIGNATURE

Received by Town Clerk _____
DATE

SIGNATURE

Middleton Planning Board

SPECIAL PERMIT APPLICATION CHECKLIST

Application will not be accepted without a completed **Special Permit Application Checklist**

Assessor's Certified Abutter's List

Residential Filings

Fee \$100 (Applicant also responsible for cost of advertisements in local paper)

(1) original application and supporting documents, (8) copies, (1) PDF copy

Deed showing recorded owner of property, purchase sale agreement, etc.

Permission from owner to apply, if not owner

If project involves a subdivision of land (Flexible Development), a definitive plan shall be submitted with application

If project involves a single family conversion or a two family dwelling unit, a plan that includes the following shall be submitted with application:

- a. A site plan including the location of all structures to a scale of one inch equals 40 feet
- b. Names and addresses of all abutters and other landowners within 300 feet of the site.
- c. A locus plan drawn to a scale of one inch equals 800 feet
- d. The locations of any easements on the lot and a copy of any previously granted permits/approvals.

I acknowledge that the above required information is included in the application OR I have indicated items needing waivers in the application:

Applicant's signature: _____

Date: _____

Questions regarding the applicability of any of the above requirements to a specific project can be addressed to the Planning Department.