

Special Permits

The Zoning By-law requires the issuance of Special Permits for specified uses within certain zoning districts; for details, refer to the chart of "Table of Permitted Uses," (Section 2.11.30 of the Zoning Bylaw). The authority, procedures, and conditions applicable to Special Permits are set forth in Sections 1.16.00 thru 1.16.24 of Dracut's Zoning Bylaw.

Special Permit requirements are established to provide detailed review of uses and structures, which may have substantial impact upon traffic, utility systems, and the character of the Town, among other concerns. The review process is intended to insure a harmonious relationship between any proposed development and its surroundings, as well as consistency with the purpose and intent of the Bylaw. Unlike the Site Plan Review requirement, Special Permit reviews are concerned with both the "physical characteristics of a plan and the appropriateness of the proposed use. They are required in cases where the use is not allowed by right in the zoning district concerned.

Dracut's Special Permit Granting Authorities (referred to as "SPGA's" in the attached chart, "2.11.30 Table of Permitted Uses") are the Planning Board and the Board of Selectmen.

Application Process

Application forms and information on current filing fees for permits issued by the Planning Board are available from the Engineering Department; forms and information for Board of Selectmen issued permits are available from the Board of Selectmen's Office. For permits issued by the ZBA contact the Building Department.

The Special Permit process requires a public hearing within 65 days of the date of filing and acceptance of a complete application, after which the Special Permit granting authority (SPGA) has 90 days to make a ruling on the request. The Planning Board and the Board of Selectmen rule on Special Permit applications submitted for its review by four-fifths vote. At the initiation of the applicant, and with the concurrence of the SPGA, the 90-day period may be extended. The SPGA must send a notice of its decision to interested parties and file a detailed record of the case and its decision with the Town Clerk within 14 days of its ruling.

Approval

In the event of a favorable decision, the Special Permit becomes effective when recorded with the Middlesex North County Registry of Deeds. The applicant may obtain a certificate from the Town Clerk and record the permit if no appeal is filed within 20 days of the date on which the SPGA has filed its detailed record and decision with the Town Clerk. In granting the permit, the SPGA may impose conditions, safeguards, and limitations or may require a bond or other security to insure compliance.

Failure to Act

In the event the SPGA fails to act within the required time period, the Special Permit is granted automatically. The applicant must then, within 14 days of the expiration of the time to act, notify interested parties that the permit is deemed approved because of such failure to act and that they have a 20-days right of appeal; further, the applicant must notify the Town Clerk in writing that such action has been taken. If, within 20 days thereafter, no appeal has been filed, the applicant may obtain a certificate from the Town Clerk and record the Permit with the Registry.

Period of Validity

The Special Permit lapses if it is not exercised within two years of the date on which the SPGAs decision is filed with the Town Clerk.

Any major amendment to the plans submitted in the original review process will require a second review and approval by the SPGA. In addition, construction or operation granted by Special Permit must conform to any subsequent amendment to the Zoning Bylaw unless the use or construction begins within six months after the issuance of the permit.

Reapplication/Appeal

In the event of an unfavorable decision, the applicant may not reapply for a Special Permit until two years have passed, unless said special permit granting authority finds specific and material changes in the conditions upon which the previous unfavorable action was based and unless all but one of the members of the planning board consents thereto. Alternatively, the applicant may appeal the decision to the Superior Court in Northern Middlesex County.

Submission Requirements and Fees

Special Permits issued by the Planning Board require: application form, twelve (12) paper copies of plans plus the certified list of abutters; fee is \$75 plus \$75 if it is a "Site Plan Special Permit", submit to the Engineering Department with copy of application only to the Town Clerk. *Applicant must bring seven (7) paper copies of plans to the Public Hearing(s.)*

Special Permits issued by the Board of Selectmen - application form, original (Mylar) and twelve (12) paper copies of plans plus certified list of abutters; fee is \$75, submit to the Board of Selectmen's Office with a copy of application only to the Town Clerk. *Applicant must bring seven (7) paper copies of plans to the Public Hearing(s.)*

The Special Permit process is described in the attached flow chart.

**FOR FURTHER INFORMATION, CALL THE ENGINEERING DEPARTMENT (978) 454-2594
Or THE BOARD OF SELECTMEN (978) 452-1908**

SPECIAL PERMIT PROCESS

