Variances – Massachusetts General Laws, Ch. 40A

A petition for a variance is filed with the Town clerk, and a certified copy filed with the Zoning Board, by the petitioner.

Within **65 days** of the petition filing (unless extended by written agreement between Zoning Board & petitioner that has been filed with the Town Clerk)

The Zoning Board holds a public hearing
* The hearing may be continued over the span of multiple meetings

Within **100 days** of the petition filing (unless extended by written agreement between the Zoning Board & petitioner that has been filed with the Town Clerk)

The Zoning Board reaches a decision. Variance requires a vote of 4 members of a 5-member board, and unanimous vote of a 3-member board

Within **14 days** of the decision

The decision and records of proceedings must be filed by the Zoning Board with the Town Clerk, and mailed to parties of interest

Within **20 days** of the decision filing

Appeals must be filed with the Courts, and with the Town clerk.

After **20 days** of the decision

Town clerk issues a certificate stating the date of decision, that no appeal was filed, or that the appeal was dismissed or denied.

The permit decision is filed by the applicant with the Registry of Deeds (recording info provided to Zoning Bd)

1 year After the decision recording

Rights granted by the variance expire if not exercised. (Can be extended for up to an additional 6 months by written agreement between the Zoning Bd & petitioner if petitioner applies for an extension before the end of 1 year period of validity.)

Prior to the hearing

Notice of the hearing is mailed to parties of interest

At least **14 days** before hearing

The hearing is advertised in the newspaper and posted in the town hall. Notice is mailed to certified abutters and parties of interest.

The next successive week following the first notice

The hearing is again advertised in the newspaper

Disclaimer. Developed as an informal guide for permit granting agencies with information current and updated as of November 2008. It has been transmitted for informational purposes only, and its content should not be construed as legal advice. **Please consult legal counsel before taking any action on this information. Please consult MGL C40A subsection 10-17 for more detailed information**.

If a petition results in an unfavorable decision, a favorable decision on the same petition cannot be reached within 2 years.