

**CITY OF PEABODY, MASSACHUSETTS  
RULES AND REGULATIONS OF THE  
SPECIAL PERMIT GRANTING AUTHORITY**

The following Rules are adopted in accordance with Massachusetts General Laws, Chapter 40A, Section 9.

1. Public hearings are scheduled at the discretion of the Peabody City Council.
2. Twenty (20) copies of all applications shall be filed on a form prescribed by the City Council entitled "City of Peabody, Application for Special Permit". Said application must be typewritten or written legibly.
3. The Special Permit application must be in the name of the individual/s or business entity that will be operating the use being applied for.
4. Before submitting said application to the City Clerk, the following shall be included:
  - (a) An application fee for seventy-five dollars (\$75.00)
  - (b) Legal advertisement fee to be determined at the time of application.
  - (c) Pre-application approval by the Building Inspector.
  - (d) Twenty (20) legible copies of a site plan and/or Building Permit Plan must be submitted showing the land affected where new construction is planned or any alterations to the exterior of an existing building signed and stamped by a registered architect or professional engineer.
  - (e) Certified plot plan of the location.
  - (f) A detailed, written description consisting of 300 words or less of the proposed request shall be attached to the application as part of the Special Permit filing process if item 12-A on the application is not completed. The application will not be accepted without said written description.
  - (g) Statement from the City Collector that all taxes are paid up to date (only if property owner is applicant)
  - (h) A list of abutters of the property affected, including their names and addresses, which shall be obtained from the Office of the City Assessor and which shall be certified by said Board or their designee. If the radius covers any portion of land in an adjacent city or town, then a list of abutters must be obtained from the Office of the Assessor of that city or town and certified by said Board.
  - (i) Signature of the applicant shall appear on all twenty (20) copies of the application.
  - (j) Before being forwarded to the City Council, all applications and plans shall be time stamped by the City Clerk showing the time and date received.
  - (k) When the above is completed, the application shall be placed on the next City Council agenda and presented to the City Council for a public hearing to be established, or any other action as deemed appropriate by the said City Council. The application must be submitted to the City Clerk no later than Noontime on the day the Council agenda is prepared for the Council's next scheduled meeting.
4. Any application which failed to meet the above requirements shall not be assigned a public hearing by the City Council.
5. THE OWNER OF PROPERTY OR HIS REPRESENTATIVE AS SPECIFIED ON THE SPECIAL PERMIT APPLICATION MUST BE PRESENT AT THE TIME OF THE PUBLIC HEARING.
6. In the even that the City Council deems a filed application or plan inadequate to a proper understanding of the matter, the applicant shall be advised and given an opportunity to submit additional information, revise the plan, or substitute a new one. An application may be dismissed for failure to comply with these rules.
7. All applications submitted to the City Council shall have been reviewed by the Building Inspector to determine if said application has been filed properly under the rules and regulations of the Peabody Zoning Ordinance, as amended.

There shall be a prepared response received from the Community Development Department, Public Services Department, Conservation Commission, Board of Health, Fire Department, Planning Board, and Police Department. All submissions by said Departments shall be submitted to the City Clerk no later than Monday Noontime on the day the Council agenda is prepared for the Council's next scheduled meeting.

8. The City Clerk will publish a notice of public hearing on all applications assigned for hearing in a newspaper of general circulation in the City of Peabody and will send notices to the petitioner and to those owners of the surrounding property whose names appear on the most recent list entitled "Certification of Parties in Interest" submitted with the application. The applicant shall be provided with a legal advertisement rate sheet, and shall choose a newspaper in which they wish the City Clerk to place said legal advertisement in. The fee for said legal ad shall be paid for by the applicant at the time of application. Said legal ad will be published twice with the first advertisement being published at least fourteen (14) days prior to the scheduled public hearing.
9. The petitioner shall produce at the public hearing, any information as requested by the City Council, and the City Council may retain any record or plan which has been introduced in evidence, for reference in the consideration of the Special Permit.
10. Zoning Ordinances or by-laws provide that Special Permits only be issued in accordance with Chapter 40A, Section 5 of the Massachusetts General Laws and Section 7.7.3 of the Peabody Zoning Ordinance.
11. Any application that does not meet the requirements of Section 3 of these rules and regulations will be returned immediately to the petitioner for compliance.
12. The City Council at its discretion reserves the right to issue Temporary Special Permits for a period of time to be determined by the City Council.
13. Any plan submitted at the time of filing of the Special Permit application will be the plan considered by the City Council.
14. Any change or alteration to said plan must be submitted to the City Council at least fourteen (14) days prior to the public hearing or recessed/continued hearing to insure proper review by all departments.
15. When a notice to an abutter involves a mobile home park, the tenant representative to said mobile home park shall receive a notice of public hearing. This is a requirement above and beyond those parties listed in the Certified List of Abutters.
16. If the petitioner requests a postponement or recess of the Special Permit public hearing, the City Council shall take formal action to approve said request. If the request is denied, the applicant shall be prepared to go forward with the Special Permit hearing. If the City Council approved said request, the petitioner must re-notify abutters of the re-scheduled hearing day by "registered return receipt" mail. Those receipts must be returned to the City Clerk at least seven (7) days prior to the hearing. The City Clerk shall send the initial notice to abutters of the scheduled public hearing by regular mail.
17. No application shall be entertained by the Council if all other permits or approvals required to be obtained from other governmental entities have been obtained and the applicant so certifies to the Council.
18. If the petitioner is unable to appear at a scheduled public hearing, the applicant must notify the City Clerk within 24 hours. Failure to do so and failure to appear at a scheduled public hearing could result in withdrawal of the Special Permit application.
19. The decision of the City Council shall be filed with the City Clerk, who is the Clerk of the City Council, and shall keep a detailed record of its proceedings, and shall file a notice of decision which shall be mailed forthwith to all parties in interest, the petitioner, the Planning Board, Community Development Department, and Building Inspector.  
  
The decision of the City Council shall be signed and time stamped by the City Clerk as in accordance with Massachusetts General Laws. Any appeals shall be made pursuant to General Laws, Chapter 40A, Section 17 and must be filed within twenty (20) days after the date of filing of said decision with the Superior Court and City Clerk.
20. There shall be no transfer of the Special Permit until written approval of the same is obtained from the Special Permit Granting Authority. The request to transfer shall be submitted to the City Council by the Building Inspector. Any proposed amendments or changes to any condition of the Special Permit shall be deemed to be an amendment and require a public hearing by the Special Permit Granting Authority.

**PEABODY CITY COUNCIL**

**Adopted: April 26, 1990**

**Amended: June 3, 1997; March 23, 2000; June 1, 2006; July 20, 2006**

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