

# WHAT TO DO ONCE A VARIANCE, SPECIAL PERMIT, FINDING, IS APPROVED

Fourteen (14) days after the day the Public Hearing is closed the Special Permit Granting Authority (the Zoning Board of Appeals), must file the written Decision with the Office of the Town Clerk. You will be notified once the Decision for the Variance, Special Permit, or Finding, has been submitted and date stamped by the Town Clerk.

If the Decision was to approve the application: Once twenty days have elapsed from the date the Decision was date stamped by the Town Clerk you should contact the Office of the Town Clerk. *(Not 20 days from the date of the Public Hearing.)* The Decision can be picked up on the day after the 20 Days. If the Decision was to deny or accept a withdrawal of the application, the Decision will be filed with the Office of the Town Clerk within 14 days once the Decision is reached.

If there were no Appeals filed within the 20 Day Appeal Period, the Town Clerk will give you a document which states no Appeals have been filed. (You will be notified if there are any Appeals filed). Massachusetts General Law (M.G.L. 40A, Section 17), outlines the process for an Appeal of the Decision of the Zoning Board of Appeals or any Special Permit Granting Authority.

You may bring the document you received from the Town Clerk and the Decision to the Southern Essex District Registry of Deeds, Shetland Park, 45 Congress St., Suite 4100, Salem, MA 01970. **OR** The Southern Essex District Registry of Deeds recently launched a website for citizens to be able to electronically record Decisions:

<https://www.aitsearch.com/PublicERES/>

A copy of the Decision stamped by the Southern Essex District Registry of Deeds must be submitted to the Inspectional Services Office/Building Department. If you are going to submit a Building Permit Application you may want to include the copy of the Decision with the Building Permit Application. No Building Permit will be approved until a copy of the Decision stamped by the Registry of Deeds is submitted.

The fact that you received an approval by the Zoning Board of Appeals is an important step but there may be further requirements prior to being able to use the property as stated in the Decision even if construction is not required. Construction and/or the approved Use may not begin until the Decision is recorded and a Building Permit issued for construction and often for an approved Use. Please contact the Building Department if you would like further information or to inquire what paperwork would be required.

Variations must be filed with the Southern Essex District Registry of Deeds and exercised within one (1) year from the date they are granted. The Local Zoning Board may grant an extension for up to six months, as long as the extension is filed before the expiration of the one-year period. (M.G.L. 40A Section 10). A Finding or a Special Permit must be filed and exercised within two (2) years. (M.G.L. 40A Section 9).

A Variance, Finding, or Special Permit, will not take effect until it is recorded with the Southern Essex District Registry of Deeds.

## **The Contact Information for the Office of the Town Clerk:**

Carin A. Kale, Town Clerk - Anne R. Hughen, Administrative Assistant  
Town Hall, first floor, 577 Bay Road, Hamilton, MA  
Phone Number: 978-468-5570, ext. 3 – [townclerk@hamiltonma.gov](mailto:townclerk@hamiltonma.gov)