

By Mr. Manning of Waltham, petition of Donald J. Manning, Andrew S. Natsios and Angelo Marotta relative to hearings held by planning boards. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT RELATIVE TO HEARINGS HELD BY PLANNING BOARDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 15 of chapter 40A of the General Laws,
2 added by section 3 of chapter 808 of the acts of 1975, is hereby
3 amended by striking out the second and third sentences of the fifth
4 paragraph and in their place the following two sentences: —
5 The decision of the board shall be made within sixty days after the
6 date of the public hearing except in regard to special permits as
7 provided for in section nine of this chapter. Failure by the board to
8 act within said sixty days shall grant to the petitioner the right to
9 seek a writ of mandamus from the appropriate court.

1 SECTION 2. Section 9 of said chapter 40A, added by said
2 section 3 of said chapter 808, is hereby amended by striking out the
3 fifth and sixth sentences of the seventh paragraph and inserting in
4 place thereof the following two sentences: — Special permit
5 granting authorities shall act within 60 days following a public
6 hearing for which notice has been given by publication or posting
7 as provided in section eleven, and by mailing to all parties in
8 interest; provided, however, a city council having more than five
9 members designated to act upon such a permit may appoint a
10 committee of such council to hold the public hearing. Failure by
11 the board to act within said sixty days shall grant to the petitioner
12 the right to seek a writ of mandamus from the appropriate court.

