

By Mrs. Gray of Framingham, petition of Barbara E. Gray for legislation to extend the time pursuant to which an applicant would have to make use of a special permit. Local Affairs.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Two.

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AN ACT EXTENDING THE TIME PURSUANT TO WHICH AN APPLICANT WOULD HAVE TO MAKE USE OF THE SPECIAL PERMIT.

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

- 1 Amend Chapter 40A Section 9 paragraph 12 of the General
- 2 Laws by striking out paragraph number 12 and inserting in place
- 3 thereof the following paragraph: —
- 4 Zoning ordinances or by-laws shall provide that a special permit
- 5 granted under this section shall lapse if a substantial use has not
- 6 commenced within a specified period of time, not less than two
- 7 years from the date of grant, which shall not include such time
- 8 required to pursue or await the determination of an appeal
- 9 referred to in section seventeen, except for good cause. The
- 10 commencement of a substantial use under this section shall
- 11 include but not be limited to the issuance of a building permit
- 12 by a city or town. Such time period shall be extended by a period
- 13 equal to the time which a city or town imposes or has imposed
- 14 upon it by a state, a federal agency or a court, a moratorium on
- 15 construction, the issuance of permits or utility connections. This
- 16 section shall apply to any special permit granted subsequent to
- 17 October 1, 1989, provided that the time for commencement of a
- 18 substantial use under such special permit was extended by the
- 19 permit granting authority to a date after the effective date of this
- 20 amendment.

