

As of January 2, 2008, the application process for a Special Permit or Definitive Subdivision has been changed to include the following:

Applicant must obtain a certified abutter's list from the Essex Assessor's office.

At the public meeting when the application is presented to the Planning Board, the Board will supply the applicant with exact wording to be used as a "notice of public hearing," for publication in the Gloucester Daily Times, the paper of record for the Town of Essex. It is the responsibility of the applicant to follow Massachusetts General Law, Chapter 40 A (see below) and have the notices published in the Gloucester Daily Times, Gloucester Ma (Phone: 978-282-0077).

Notices should be published once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing.

At the public hearing, applicant must show published notices with dates on the newspaper pages, to assure that notices were published correctly.

This is a part of Mass. General Law Chapter 40 A: Section 11.

Chapter 40A: Section 11. **Notice requirements for public hearings;** parties in interest defined; review of special permit petitions; recording copies of special permit and variance decisions

Section 11. In all cases where notice of a public hearing is required notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The permit granting authority or special permit granting authority may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.

Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in such city or town.