



TOWN OF BERKLEY

Planning Board
1 No. Main St.
Berkley, MA 02779

www.townofberkleyma.com
planningboard@berkleyma.us

PERMIT # _____

Application for Repetitive Petition (RP) Under M.G.L. Ch. 40A §16

Date _____

Application No. _____

1. If a petition for zoning relief or a permit is denied, the petition may not be resubmitted to the Board for a period of two years unless a finding is made by the permit granting authority that specific and material changes have been made to the conditions upon which the decision was based as stated in MGL Chapter 40A Section 16.

- No appeal, application, or petition which has been unfavorably and finally acted upon by the Planning Board acting as Special Permit Granting Authority shall be acted favorable upon within two (2) years after the date such unfavorable action was filed with the Town Clerk.
- An application may be resubmitted within two (2) years only if the Special Permit Granting Authority finds specific and material changes in the conditions upon which the unfavorable action was based. Such finding must be made by an affirmative vote of four (4) of five (5) members.
- Findings of the Special Permit Granting Authority must be recorded in a detailed record of the proceedings of the duly posted public hearing in which the facts were presented.
- Appeals of the actions set forth in M.G.L., Chapter 40A, Section 17 may be made by the applicant or any party in interest within twenty (20) days of the filing of the decision in the office of the Town Clerk.
- Complaints must conform to the procedures outlined in MGL Chapter 40A Section 17. 2.

2. Full name of owner(s) and address of land to which this application applies:

Signature of Owner(s)_____

3. Full mailing address and telephone number of owner(s) of land to which this application applies or full name, mailing address and telephone number of the applicant if different from the above:

Signature of Owner/ Applicant(s)_____

4. All requests for the filing of a Repetitive Petition shall be made in writing to the Planning Board on the appropriate form and signed by the Town Clerk prior to delivering to the Planning Board office.
5. The request for a Repetitive Petition shall include a plan of the site, a copy of the unfavorable decision and documentation illustrating how the request is materially different from the request previously denied.
- If the *Zoning Board of Appeals* is the Permit Granting Authority, a letter of findings shall be transmitted to the Planning Board with the application for Planning Board consent to reapplication to the Zoning Board of Appeals.
 - If the *Planning Board* is the Permit Granting Authority, the request for repetitive petition may be consolidated into a concurrent public hearing. Both matters will be noticed, advertised and posted; however the Planning Board will hear the Repetitive Petition matter first and only if it is granted will the other matter be heard. If denied, the second application will not be heard based on non-compliance with the provisions of MGL ch. 40 §16.
6. Fees: see Fee Schedule.
7. Submit with this application a listing of abutters as certified by the Board of Assessors containing full names and addresses of abutting owners of land and those directly opposite on any public or private street or way and owners of land within 300 feet of the property line, according to the most recent tax list. Also submit a certified list of abutting property owners of surrounding towns (if any) certified by the assessors of that town. Abutters will be notified by USPS certified, return-receipt mail at the expense of the applicant. Location of Property: Map _____ Lot _____
8. An affirmative vote by four (4) of the five (5) Planning Board members is required to grant a Repetitive Petition request.
9. The Planning Board shall record its decision on Repetitive Petition requests with the Town Clerk’s Office and shall not be final until the twenty (20) day appeal period has expired.
10. Please attach a detailed narrative and any other documentation that supports your request.
11. Date of unfavorable decision by (check one): _____
☐ Planning Board
☐ Zoning Board of Appeals
12. Please list the Specific and Material Changes
- _____
- _____
- _____
- _____

☐ \$500 fee plus regular submission costs

☐ Abutters Notification