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Permit Extension Provision

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When the Massachusetts Legislature ended its formal session on July 31, 2010, it failed to pass the comprehensive Wind Siting Reform Act intended to accelerate the development of land-based wind projects. However, the Legislature passed a "Permit Extension Provision," contained in the Economic Development Reorganization Act. It allows for a two-year extension period for most permits in effect or existence between August 15, 2008 and August 15, 2010 involving the use or development of real property for which approval had been obtained from any local, regional, or state agency. This will allow projects approved and permitted, but unable to proceed to the build-stage for varying reasons, most particularly financial, to extend their approvals for an additional two years beyond the normal expiration period. Examples include: zoning, wetlands, subdivision control approvals; and building permits. Excluded from these extensions are federally approved projects, comprehensive permits issued under G. L. c. 40B, and certain approvals from the Division of Fisheries and Wildlife. If an eligible project requires connection to a sanitary sewer system, its extension is contingent on available capacity. Since many new projects must comply with green building and green energy provisions, these extensions will ensure projects already approved will have an additional two years before their permits expire.

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