

ARTICLE 48 ZONING BYLAW AMENDMENT – 6.6.3 (c) HAZARDOUS WASTE
(Two-thirds Vote Required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 6.6.3 by adding the following language in bold italics, and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

6.6.3 (c) Hazardous Waste. No land or structure shall be used in any district as a facility for hazardous waste or disposal of hazardous waste as defined by G.L. c. 21C, § 2, or for the garaging or temporary storage of vehicles used in the transportation of hazardous waste.

Summary:

Following the zoning recodification during Special Town Meeting 2022, the Attorney General advised the Town that certain terms and language must be deleted of the bylaw. Once such deletion included section 6.6.3 (c) in its entirety. This deletion cited Mass General Law which dictates the use type may not be outlawed in industrial districts, unless adopted prior to a specific date. Without adequate information available, the attorney general was unaware that Boxborough met the date of exemption, and ultimately made their determination in error. The proposed language corrects this error, and upon approval at Town Meeting will be submitted to Attorney General with appropriate evidence.

The Planning Board recommends (5-0-0). The Planning Board unanimously recommends passage of this article to restore this provision of the zoning bylaw as they were prior to the recodification on November 15, 2022. The Board believes we are thus exempt, and the Town Planner will submit such evidence to the Attorney General following approval of this article. For the reasons stated in the summary, the Planning Board encourages Town meeting to approve this revision.

The Finance Committee recommends (6-0-0). Finance Committee recommends for the reasons listed above.

No tax impacts.

The Select Board does not comment on articles proposed by other elected boards.