

**ARTICLE 46****TO AMEND SECTION 2.3 OF THE ZONING BYLAW  
REGARDING SPECIAL PERMITS**

(Two-thirds Vote Required)

To see if the Town will vote to amend section 2.3 of the Boxborough Zoning Bylaw, for the purpose of clarifying that review of all Special Permits must apply the Special Permit Decision criteria identified in Section 2.3.4 in addition to any other identified criteria. The addition is in bold.

**Section 2.3 Special Permits**

2.3.1. Special Permit Granting Authority. Either the Board of Appeals or the Planning Board shall act as the Special Permit Granting Authority. Each use requiring a special permit in this bylaw shall specify the Special Permit Granting Authority. **The requirements of this Section are applicable to any Special Permit Application required in this Bylaw other than those listed in Section 4.3, Nonconforming Uses and Structures, which follow the requirements MGL Chapter 40A Section 6.**

Or take any other action relative thereto.

***Summary:***

*The proposed amendment will require all local special permits to comply with the criteria of a special permit. This revision shall not extend to those permits related to nonconforming structures and uses. Through passage of this revision, all special permits shall be aligned with the standard criteria.*

**The Planning Board recommends (5-0-0).** The Zoning Bylaw (Section 2.3) outlines the authority, public hearing process, application process and decision considerations for Special Permits in accordance with the Zoning Act (MGL Chapter 40A). The Zoning Bylaw (Sections 4.4 through 4.12) also identifies several Special Permits for specific uses (e.g., Special Permits for Restaurants) or in specific zoning districts (e.g., Special Permits in Town Center District), each of which may have decision criteria specific to that Special Permit. The proposed language would help to clarify that review of all Special Permits must apply the Special Permit considerations identified in Section 2.3.4 (Decision) in addition to any other identified decision criteria. The only exception would be for Non-Conforming Uses and Structures which are governed by MGL 40A Section 6.

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

**No tax impacts.**

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