

1180 SPECIAL PERMITS

1181 Special Permit Granting Authority (SPGA)

Unless specifically designated otherwise, the Zoning Board of Appeals shall act as the SPGA. The Planning Board is the SPGA for Infill Development, the Smart Growth PUD, the Industrial and Commercial Heritage PUD, Development Overlay District 1, and Open Space Residential Developments. (as amended Ordinance #1431 passed 6/6/2006)

One (1) associate member may be appointed to the Planning Board by the Mayor, subject to the confirmation by the City Council. The Chairman of the Planning Board may designate the associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the board (Ord. #1450 – passed 1/2/2007)

1182 Criteria

Special Permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed **use** will not outweigh its beneficial impacts to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. The proposal shall be suitably located in the neighborhood in which it is proposed and/or the entire City, and shall be compatible with neighborhood character, existing uses and other uses permitted by right in the same district;
2. The proposal shall provide convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets, property and improvements;
3. The proposal shall provide adequate space for off-street parking, loading and unloading of vehicles, and goods, products, materials and equipment **incidental** to the normal operation of the establishment or use;
4. The proposal shall provide adequate and appropriate facilities and utilities for the proper operations of the proposed use and disposal of sewage, refuse or other waste products, and methods of drainage of surface water;
5. The proposal shall not constitute a nuisance due to air and water pollution, erosion, flood, noise, odor, dust, vibrations, lights or visually offensive structures or site features;
6. The proposal shall not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians, as determined by the SPGA;
7. The proposal shall be in harmony with the general purpose and intent of this ordinance;
8. The proposal shall not have a significant detrimental impact on city services, tax base, and employment opportunities; and
9. The proposal is consistent with the City's Community Development Plan or Master Plan.

1183 Procedures

An application for a **Special Permit** shall be filed in accordance with the rules and regulations of the SPGA.

1184 Conditions

Special Permits may be granted with such reasonable conditions, safeguards, or limitations on time or **use**, including performance guarantees, as the SPGA may deem necessary to serve the purposes of this Ordinance.

1185 Regulations

The SPGA may adopt rules and regulations for the administration of this section.

1186 Fees

The SPGA may adopt reasonable administrative fees and technical review fees for applications for **Special Permits**.

1187 Lapse

Special Permits shall lapse if a substantial **use** thereof or construction there under has not begun, except for good cause, within 12 months following the filing of the **Special Permit** approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.