

ARTICLE I
Section 1-50
SPECIAL PERMITS

Section 1-50.1 – Authority. As specifically designated within the Ordinance, the Planning Board, Board of Appeals and the City Council may be the body responsible for granting special permits. The special permit granting authority shall adopt and from time to time amend rules relative to the issuance of such permits and shall file a copy of said rules in the office of the City Clerk.

Section 1-50.2 – Hearing, Notice and Decision.

1. The special permit granting authority shall hold a public hearing within sixty-five (65) days after the filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the City Clerk by the applicant.
2. The special permit granting authority shall require notice be given by publication in a newspaper of general circulation in the city once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the hearing, and by posting such notice in a conspicuous place in City Hall.

Notice shall be sent by mail, postage prepaid, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred (300) feet of the property line as they appear on the most recent applicable tax list including those in another city or town, the Planning Board and planning boards of all abutting cities and towns.

3. The special permit granting authority shall act within ninety (90) days following the public hearing. Failure to take final action upon an application for a special permit within said ninety (90) days shall be deemed a grant of the permit applied for.

Special permits issued by a special permit granting authority shall require a two-thirds vote of boards of more than five (5) members, a vote of four members of a five member board, and a unanimous vote of a three (3) member board.

Upon the granting of a special permit, a copy shall be issued to the owner or applicant if other than the owner of the decision, certified by the special permit granting authority.

No special permit shall take effect until a copy of the decision certified by the City Clerk that twenty (20) days have elapsed and no appeal has been filed, or that such appeal has been filed that it has been dismissed or denied, is recorded in the Registry of Deeds wherein the land is located.

Section 1-50.3 – Duration. A special permit granted by the special permit granting authority shall lapse if a substantial use thereof has not commenced within two years, or in the case of construction, if construction has not begun. Exception may be made for good cause by the special permit granting authority.

Section 1-50.4 – Special Consideration. Special permits shall be issued by the Special Permit granting authority for uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production where the special permit granting authority finds that the proposed accessory use does not substantially derogate from the public good.

Section 1-50.5 – Effect of Denial. No application or petition for special permit which has been unfavorably and finally acted upon by the Special Permit Granting Authority shall be acted favorably upon within two years after the date of final unfavorable action unless that body finds by a two-third vote of its members, specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the questions of such consent will be considered.

Section 1-50.6 – Standards for Reviewing. The Special Permit Granting Authority shall not approve any such application for a special permit UNLESS it finds that in its judgment all the following conditions met:

1. The specific site is an appropriate location for such a use, structure, or condition.
2. The use as developed will not adversely affect the neighborhood.
3. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
4. The plan as approved conforms to all rules and regulations unless specifically waived.

Section 1-50.7 – Conditions Attached to Special Permit Approvals. In approving a Special Permit, the Special Permit Granting Authority may attach such conditions and safeguards as are deemed necessary to protect the neighborhood such as, but not limited to, the following:

1. Requirement of front, side or rear yards greater than the minimum required by this Ordinance.
2. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices.

3. Modification of the exterior features or appearances of the structure.
4. Limitation of size, number of occupants, method or time of operation, or extent of features.
5. Regulation of number design and location of access drives or other traffic features.
6. No special permit shall be granted on any way not owned by or accepted by the City unless said way shall be property identified by a sign erected at each entrance and exit of the same height and size as other street signs of the City; nor for any lot thereon unless said lot has received a city number and the building or buildings thereon visibly display said number in a conspicuous manner readable from the street.

Section 1-50.8 – Existing Uses. In the case of uses requiring special permits, but existing prior to the date of requirement, the existing building or lot or both may be expanded up to twenty-five (25) percent of the ground floor area or the lot areas, without special permit permission from the special permit granting authority.