ARTICLE ____: To see if the Town will vote to amend Article XI, section 97-11.C of the Town of Newbury Zoning Bylaw, by revising the current subsection C as follows, with new language indicated by **bold underline** and deleted language indicated by **strikethrough**:

Section 97-11 Administration

C. Special Permits—Public Hearing. [Amended 4-24-2001 ATM, Art. 27]

1. **Procedures and Filing Requirements.** An application for a special permit shall be filed in accordance with the following:

   a. Procedures. Any special permit which shall hereafter be issued under this By-Law, whether by the Selectmen, by the Planning Board, or by the Zoning Board of Appeals, shall be issued only following a public hearing held within 65 days after the filing of a petition or application with said Selectmen, Planning Board, or Zoning Board of Appeals, as appropriate, and provided that said applicant and/or petitioner has furnished written notice by U.S. Mail, certified or registered, not less than 21 days prior to said public hearing to all adjoining owners-abutters and furnished evidence of such written notice to the Selectmen, Planning Board, or Zoning Board of Appeals, as appropriate, a copy of which petition or application shall forthwith be given to the Town Clerk by the applicant. Any special permit granted under this By-Law shall lapse 2 years from the date of the granting of such permit (including time required to pursue or await the determination of an appeal from the grant thereof) if a substantial use thereof has not sooner commenced, or, in the case of a permit for construction, if such construction has not begun by such date, unless such failure is for good cause. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Selectmen providing the Selectmen find that the proposed accessory use does not substantially derogate from the public good.

   Petitions or applications for special permits under the By-Law shall be submitted to and reviewed by the following (such reviews may be held either jointly or severally): the Board of Health, the Planning Board, the Conservation Commission and any other Board or Commission of the Town to which petition or application to be submitted for review. Any such Board or Commission to which petitions or applications are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Selectmen, Planning Board, or zoning Board of Appeals, as applicable, and to the applicant; provided, however, that failure of any such Board or Commission to make recommendations within 35 days of receipt by such Board or Commission of the petition or application shall be deemed lack of opposition thereto.

   b. Granting Authority. **Except where otherwise designated herein or in the Table of Use Regulations, the Zoning Board of Appeals shall act as the SPGA.** When a five-member Planning Board has been designated as the special permit-granting authority, one associate member may be authorized for a one-year term. The Board of Selectmen shall
authorize/appoint the associate member who, upon the designation of the Chairman of the Planning Board, shall 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 or in the event of a vacancy on the Board. [Added 4-22-2003 ATM, Art. 8]

2. **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 Town 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 other specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following criteria:

   a. Social, economic, or community needs which are served by the proposal;
   b. Traffic flow, volume, and vehicular and pedestrian safety, including traffic related to parking and loading;
   c. Adequacy of utilities and other public services;
   d. Neighborhood and community character;
   e. Impacts on adjacent properties, neighborhoods, and zoning districts;
   f. Impacts on the natural environment;
   g. Potential fiscal impact, including impact on Town services, tax base, and employment; and
   h. Consistency with the most recent Town of Newbury Master Plan.

3. **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 Bylaw including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fences, or walls; exterior lighting; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation for the duration of permit, or extent of facilities; regulation of number, location of driveways or other traffic features; and off-street parking or loading or other special features beyond minimum required by this Bylaw. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the SPGA.

Or take any other action thereon.