

ARTICLE V
Special Permits
[Amended 10-1992 STM by Art. 15]

(See also §§ 135-601, 135-608, 135-609, 135-610, 135-611, 135-612 and 135-711 and Article XIV.)

(Cont'd on page 13525)

§ 135-501. Special permit granting authority (SPGA).

The special permit granting authority (SPGA) shall be the Braintree Planning Board.

§ 135-502. Site plan review requirement.

All applications for special permit shall include a site plan review per § 135-711 of Braintree Zoning Bylaw.

§ 135-503. Special permit procedures.

- A. In every instance where it is provided that a specific use of land or building requires approval by the special permit granting authority (SPGA) and such approval is given, the Building Inspector shall issue a permit for such use, subject to the terms and conditions by which the SPGA has qualified the approval.
- B. No special permit shall be approved or issued, however, for the use of the premises for a commercial garage, automobile service station, billiard or pool room, skating rink, dance hall or amusement park, if any portion to be so used is within 300 feet of any portion of a premises devoted directly to church or school use.
- C. Application for special permit(s) shall be acted upon by the SPGA only after notice and advertisement as required by MGL c. 40A, § 9 have been given. The SPGA shall conduct a public hearing on an application within 65 days of the date of application and shall render a decision within 90 days of the close of the public hearing. Constructive approval shall be deemed to be granted if the SPGA does not act upon said application within 90 days of the close of the public hearing.
- D. Approval of special permit(s) shall require the affirmative vote of at least four members of the SPGA.
- E. A special permit granted under this section shall lapse at the end of two years if, except for good cause, a substantial use has not commenced or if construction has not begun. The two-year period shall commence with the filing of the special permit decision with Town Clerk and shall not include such time required to pursue or await the determination of an appeal from the granting thereof.
- F. No special permit shall take effect until:
 - (1) The Town Clerk certifies on a copy of the decision that 20 days have elapsed and no appeal has been filed; and
 - (2) The certified decision has been recorded in the Registry of Deeds.
- G. Where, in the opinion of the SPGA, an independent engineering evaluation is needed to assist the SPGA in rendering its decision, the evaluation shall be at the expense of the petitioner.
- H. An application for special permit shall not be accepted unless it includes the following:
 - (1) Two original copies of the application for special permit;

- (2) Eleven copies of the plan set, including the site plan, grading plan, signage, building elevations and typical floor plan;
 - (3) Application fee;
 - (4) A written statement responding to the criteria set forth in Subsection I of this section; and
 - (5) A Form D (abutters list) certified by the Town Assessors' office.
- I. The SPGA shall not render a decision on an application for a special permit until it has made its findings. Said findings shall include but not be limited to the following: (These criteria do not apply to applications reviewed solely under § 135-711.)
- (1) The proposal for special permit shall be in harmony with and shall not derogate from the general purpose and intent of the Braintree Zoning Bylaw.
 - (2) There shall be adequate ingress and egress to the property and proposed structures with particular reference to automotive and pedestrian safety and convenience, off-street parking and loading, traffic flow and control, access in case of fire or catastrophe, and the capacity of public roads to support the added traffic safely.
 - (3) The proposed use shall not create any danger or pollution to public or private water facilities. The SPGA shall consider the adequacy of the methods of drainage at the proposed site and the public water and sewer systems serving the site. No excessive demand shall be imposed on the water system.
 - (4) The project shall conform to the signage, lighting and environmental standards set forth in this chapter. In particular, the SPGA shall review the project with regards to off-site impacts from glare, noise, vibration, smoke, heat and odor.
 - (5) The site plan shall provide for refuse collection or disposal and service areas, with particular reference to items in Paragraphs (2) and (3) above.
 - (6) The site plan shall provide for screening and buffering.
 - (7) The site plan shall provide yards and other open space as required by this chapter.
 - (8) The SPGA shall review for economic effect on and general compatibility and harmony with adjacent properties and other property in the district.
- J. Reference to other boards. Within 10 days after receipt of the application for a special permit, the SPGA shall transmit copies of the application with the accompanying plan(s) to all appropriate Town boards and commissions. Such boards and commissions shall review the application and report in writing their recommendations to the SPGA. The SPGA shall not take final action on such application until it has received reports from the boards and commissions or until 35 days have elapsed after receipt of said application without the submission of a report.

§ 135-504. Accessory uses for scientific research and development authorized as special permit.

The special permit granting authority (SPGA) may issue a special permit for construction of facilities to be used for scientific research and scientific development on a separate lot as an accessory use to a related production operation on another lot in the Town, provided that this accessory use does not substantially derogate from the public good.