

HOUSE No. 5204

By Mr. Binienda of Worcester (by request), petition of Rosaire Rajotte relative to appeals, applications or petitions for special zoning permits in cities and towns. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT FURTHER REGULATING ZONING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Section 16 of chapter 40A of the General Laws, as appearing
- 2 in the 1988 Official Edition, by striking out the first paragraph
- 3 and inserting in place thereof the following paragraph: —
- 4 No appeal, application or petition which has been unfavorably
- 5 and finally acted upon by the special permit granting or permit
- 6 granting authority shall be acted favorably upon within two years
- 7 after the date of final unfavorable action unless said special permit
- 8 granting authority or permit granting authority finds, by a
- 9 majority vote specific and material changes in the conditions upon
- 10 which the previous unfavorable action was based, and describes
- 11 such changes in the record of its proceedings, and unless all but
- 12 one of the members of the planning board consents thereto and
- 13 after notice is given to parties in interest of the time and place
- 14 of the proceedings when the question of such consent will be
- 15 considered.

