ORDERED

Be it Ordained by the City Council of the City of Woburn, that the 1985 Woburn Zoning Ordinances, as amended, be further amended, by revising Section 11.3 as follows (deletion in ~~strikethrough~~, addition/revision in **bold**):

11.3 Procedures for Special Permits

1. The applicant shall submit a written application for a special permit with **one (1) original and** 12 copies to the City Clerk. The application shall also be subject to Rules and Regulations adopted by the City Council pursuant to G.L. Chapter 40A, Section 9, and incorporated herein. No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted. If there is a dispute between the building commissioner and the petitioners on whether a variance is necessary this dispute must be presented to the Board of Appeals for resolution. No application with such disputed variances shall be considered complete and shall not be accepted until the Board of Appeals makes a decision. (amended 10/21/1997, 5/15/2001, 6/19/2014).

2. The City Clerk, within three (3) business days of receipt of the application, shall distribute nine (9) copies of the application and all other required special permit submission materials to the City Council, ~~2 copies~~ **one (1) copy** to the Planning Board-Director**,** ~~and~~ one (1) copy to the City Engineer**, and one (1) copy to the Building Commissioner,** for review and comment. (amended 10/21/1997, 6/19/2014).

3. Boards and departments may transmit comments and recommendations to the City Council within 30 days of receipt of the application. Failure to comment will be deemed a lack of objection.

4. The City Council may provide for a schedule of fees in connection with the special permit procedure in accordance with state law.

5. The City Council shall, within sixty-five (65) days of the filing of the application, hold a public hearing, notice of which shall be published in a local newspaper once in each of two successive weeks with the first publication to be not less than fourteen (14) days before the date of the hearing and shall be mailed to all "parties of interest" as defined in the General Laws, Chapter 40A, Section 11, and to any other property owners deemed by the City Council to be affected thereby.

   "Notice shall be given by mail, postage prepaid by the City Clerk". The list of persons to be notified shall be prepared by the applicant, certified by the Office of Assessors.

6. The City Council shall, within ninety (90) days following the public hearings, but not until it has received comments from the Planning Board, Conservation Commission, ~~and~~ City Engineer**, and Building Commissioner**, or until 30 days have elapsed without such reports being submitted, issue its findings in writing as to the conditions specified in Section 11.5 below and in other sections of this ordinance, and shall certify in writing that the application is approved as submitted, approved subject to modification, or denied.

7. If the City Council fails to issue its findings within ninety (90) days, the application shall be deemed approved. The special permit shall not become effective until the City Council has been notified by the applicant of the book and page number as recorded in the Registry of Deeds.

8. Approval of the special permit shall require a two-thirds (2/3) vote of the City Council.

9. If the application is denied, the applicant shall not submit substantially the same proposal for two (2) years except as provided under G.L., Chapter 40A.

10. Special permits granted under this section shall lapse within two (2) years, excluding time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use has not sooner commenced or if construction has not been begun. The City Council may grant an extension of good cause and shall grant an extension if the delay has been caused by the need to seek other permits.

11. Construction or operations under a special permit shall conform to any subsequent amendment to this ordinance unless the use or construction is commenced within a period of not more than twelve (12) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. (amended 2/8/2018)

12. The City Council, by a two-thirds (2/3) vote, shall have the power to modify, amend or rescind its approval of a Special Permit, or to require a change in the approved Special Permit as a condition of its retaining the status of an approved Special Permit. All of the provisions of the issuance of a Special Permit, relating to its submission and approval, shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval of a Special Permit which has been changed under this section. (added 12/1/1992).

s/Councilor Darlene Mercer-Buren and
Councilor Joseph E. Demers

April 1, 2025
In City Council, First Reading,
Referred to Public Hearing and Planning Board
(8 in favor, 0 opposed, 1 absent, 0 abstained)

May 6, 2025
In City Council, Second Reading,
Public Hearing, Public Hearing Continued,
Referred to Committee on Ordinances, Charter and Rules
(9 in favor, 0 opposed, 0 absent, 0 abstained)

May 20, 2025
In City Council, Public Hearing,
Passed to be Ordained, Adopted
(ROLL CALL: 7 in favor, 0 opposed, 2 absent, 0 abstained)

Presented to the Mayor: May 22, 2025
Mayor's Office: Mayor 22, 2025
Approved: s/Michael P. Concannon, Mayor

A True Copy Attest:

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Lindsay E. Higgins
City Clerk and Clerk of the Council