

To see if the Town will vote to amend the Code of Lunenburg, to modify §250-8.3.C(1) by inserting the number 9 and deleting §250-8.3.C.(3) and (4) and renumbering §250-8.3.C(5) as §250-8.3.C.(3), or take any action relative thereto.

C. Procedure.

- (1) In exercising the powers granted by Subsection **B** above, the Board of Appeals shall act in accordance with the provisions of MGL c. 40A, §§ 9, 11, 14, 15 and 16.
- (2) In granting any special permit, the Board of Appeals shall assure that the proposed use:
  - (a) Will not be injurious or dangerous to the public health or unduly hazardous because of traffic congestion, danger of fire or explosion or other reasons.
  - (b) Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.
  - (c) Will be operated with reasonable regard for order and sightliness, if an open use.
  - (d) Will not produce noise, vibration, smoke, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.
- ~~(3) Where action by the Board of Appeals is required under this bylaw, a written application therefor shall be submitted by delivery or by registered mail (with return receipt requested) to the Clerk of the Board of Appeals or to such other person as the Board may have authorized to receive such applications. If submission is by delivery, the Clerk or other authorized person shall give a written receipt therefor, indicating the date of such submission. The Board of Appeals shall hold a public hearing with regard to any such application within 65 days of the filing.~~
- ~~(a) In the case of special permits under Subsection **B(2)**, the Board of Appeals shall act thereon within 90 days of the filing of the application.~~
- ~~(b) In the case of appeals or applications for variances under Subsection **B(1)** and **(3)**, the Board of Appeals shall act within 75 days of the filing of the application.~~
- ~~(4) Should the Board of Appeals fail to act within the time limits specified above, the application shall be deemed approved and the Building Commissioner shall, upon receipt of evidence of such submission and failure to act, issue forthwith a permit for the proposed use, provided such use is otherwise in conformity with this bylaw.~~
- (~~5~~3) Any approval granted by the Board of Appeals for a special permit shall lapse within two years from the grant thereof and time for an appeal as provided in MGL c. 40A, § 17, if a substantial use thereof has not sooner commenced or, in the case of a permit for construction, if construction has not begun by that date. A special permit is further limited by the six-month period provided in § **250-8.1**.