APPENDIX A

GENERAL COMMENTS ON THE ZONING ACT

Chapter 40A of the General Laws as amended by Chapter 808 of the Acts of 1975 sets forth certain requirements relating to zoning matters. For the convenience of those using the Concord Zoning Bylaw, a few of these requirements of interest are set forth below. However, nothing herein is intended to alter or vary the requirements of Chapter 40A, the provisions of which shall control in all instances.

1. A zoning change may be initiated by or submitted to the Board of Selectmen by a selectman, the Board of Appeals, individuals owning land to be affected, ten (10) registered voters, the Planning Board or a regional planning agency.

2. All zoning changes require approval of Town Meeting by a two-thirds vote.

3. No proposed zoning bylaw or change unfavorably voted upon shall be considered by the Town Meeting within two (2) years unless there is a favorable Planning Board recommendation.

4. No appeal, application or petition which has been unfavorably acted upon by the Board of Appeals can be reconsidered within two (2) years without consent of the Planning Board.

5. A special permit shall lapse within two (2) years (or such shorter period as is deemed appropriate by the Board of Appeals or the special permit granting authority) if substantial use thereof has not commenced within such period except for good cause or if construction has not begun except for good cause.

6. Rights acquired under a variance shall lapse if they are not exercised within one (1) year.

7. Decision on a special permit must be made within ninety (90) days of the public hearing thereon. Failure to make a decision within ninety (90) days shall be deemed to be a grant of the special permit.

8. Decision on an appeal or variance must be made within one hundred (100) days of the date of filing. Failure to make a decision within one hundred (100) days shall be deemed to be a grant of the appeal or variance.

9. The Board of Appeals consists of three (3) members. By reason of Chapter 40A, all decisions must be unanimous.

10. The Planning Board consists of seven (7) members. By reason of Chapter 40A, all decisions as special permit granting authority shall require a two-thirds vote.

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