

RULES OF PROCEDURE
Georgetown Zoning Board of Appeals



ADOPTED MARCH 5, 1991
AMENDED 8/6/91, 1/25/92, 4/25/95, 11/08/00, 1/10/01, 3/24/01, & 6/4/02, 12/9/03,
6/7/05, 6/6/06, 2/12/08, 10/5/09 & 11/9/10

ARTICLE I - APPLICANT/PETITIONER
SECTION I - PLEASE READ CAREFULLY

IT IS THE INTENT OF THE BOARD TO HAVE FULL DOCUMENTATION BEFORE ACCEPTING APPLICATIONS. THE FOLLOWING MUST BE PROVIDED AS PRESCRIBED UNDER ARTICLE I, HEREIN:

Upon application/petition, the petitioner shall supply to the Town Clerk, twelve (12) sets of detailed plans sufficient to describe the land and properties thereon, but for a comprehensive permit see Article I, Section 9. The size of the Plans shall be 8 ½ x 11 or 11" x 17 and one full size set. These plans shall include, but not limited to: (Amended 1/10/01)

1. PLOT PLAN - Including all dimensions, sides, rear, and front lot lines.
2. LOCATION & DIMENSIONS - Of existing building(s) on lot.
3. EXISTING BUILDING - Show measured distance between existing building and all lot lines.
4. PROPOSED STRUCTURES - Same as two and three above
5. FLOOR PLAN AND ELEVATION DRAWINGS - With full dimensions of proposed and existing structure.
6. DENIAL FROM BUILDING INSPECTOR - When applicable.
7. PROOF OF OWNERSHIP WITH REGISTRY BOOK & PAGE - Copy of Deed and Paid Tax Bill.
8. ABUTTER LIST, WITHIN 300 FT OF SUBJECT PROPERTY, CERTIFIED BY THE ASSESSOR'S OFFICE.

IF ALL OF THE ABOVE REQUIREMENTS ARE NOT MET, THE APPLICATION WILL BE REJECTED

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ARTICLE I - APPLICANT/PETITIONER (Continued)

SECTION 2 - APPLICATION FEE

Upon filing the application/petition, the applicant/petitioner shall give to the Town Clerk a check in the amount determined by the application/petition fee schedule, made out to the "Town of Georgetown".

APPLICATION FEE SCHEDULE EFFECTIVE DECEMBER 1, 1991

AMENDED 9/17/95, 4/25/98, & 9/1/09

A. Residential Use (Single Family, Personal Use)	\$ 200.00
B. Conversion of Single Family Dwelling to Multiple Family/Business Use	\$ 250.00
C. Apartment Complex / Multiple Lot Development	\$ 600.00
D. Industrial / Commercial Use	\$ 600.00
E. Comprehensive Permit	\$1,000.00 plus \$100/unit
F. Water Resource	\$ 450.00
G. Wireless Communications Facilities	\$1,000.00
H. Aggrieved decision of the Building Inspector.	Fee to reflect A-F of this schedule

FEEES FOR OUTSIDE CONSULTANTS

(adopted 8/6/91, Chapter 593, Acts of 1989, GL C.44, S. 53G)

- A. Purpose. The Board of Appeals may impose reasonable fees upon all applicants, petitioners, or appellants in order to cover the costs of outside planners, designers, traffic specialists, and lawyers as permitted by G.L. Chapter 44, S. 53G. Such fees shall be imposed where the Board of Appeals determines that the complexity or impact of the project necessitates the assistance of an outside consultant.
- B. Amount. The amount of such fees shall be determined in writing supplied to the applicant, petitioner, or appellant by the Board of Appeals at the time of the application, and shall be paid as a part of the application fee. This shall not preclude the imposition of further fees as are reasonable and necessary in order to offset any outside consultant costs which may result during the review of the application before the Board of Appeals. Failure of the applicant, petitioner, or appellant to pay such fees may result in denial of the approval sought.
- C. Administrative Appeal. The applicant, petitioner, or appellant shall have the right to appeal the employment of a particular consultant by filing a written appeal with the Board of Selectmen within twenty-one days after imposition of the fee therefore. Such administrative appeal shall be in writing and shall specify the grounds for the appeals, which shall be limited to a claim that the consultant selected has a conflict of interest or does not possess the minimum, required

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issue, or does not have three or more years of practice in the field at issue or in the field at issue or in a related field.

- D. Action of the Appeal. The Board of Selectmen shall have one month from the date the appeal is filed to act thereon. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeals, the selection made by the Board of Appeals shall stand. Further judicial review of any decision or lack thereof on the administrative appeal may be made as permitted by law, upon the same grounds as permitted for the administrative appeal to the Board of Selectmen.
- E. Extension of Time for Action. During the time that such appeal is pending, the time period for action shall be stayed and shall be extended by the time required to complete such administrative appeal.
- F. Special Account. All fees shall be kept in a special, separate, interest-bearing account established by the municipal treasurer, with an accounting made for each specific project. The municipal accountant shall submit annually a report of said special account to the Board of Selectmen for their review, and shall also submit annually a copy of said report to the director of the bureau of accounts. Such report shall be published in the annual report of the Town.
- G. Expenditures. At the direction of the Board of Appeals, funds, including any accrued interest may be expended from the special account, without further appropriation, so long as the funds are expended by it only in connection with carrying out its responsibilities under the law.
- H. Final Accounting. Any excess funds in the special account which are attributable to a specific project, after such project is completed, shall be returned by the Board of Appeals to the applicant, petitioner, or appellant or to any successor in interest, who provides proof thereof, together with any interest which remains. The Board of Appeals shall also provide the applicant, petitioner, or appellant or any successor in interest with a report of the account.

Procedure for Choosing Consultants.

1. Each Board which has established fees for hiring consultants must choose consultants subject to the board's own rules, city or town charter, ordinances or by-laws and the general laws. See, for example, the Uniform Procurement Act, G.L. Ch. 30B. These rules must also provide for a minimum qualifications of any consultant including (a) an educational degree in or related to the field at issue or (b) three or more years of practice in the field at issue or a related field.
2. The rules of the board must provide for an administrative appeal of the selected consultant by the applicant paying the fee. The appeal is to the Board of Selectmen and is limited to claims that the consultant has a conflict of interest or does not possess the minimum required qualifications.

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3. The time required for action by the board on an application for a permit or approval will be extended pending any administrative appeal. If no decision is made by the Board of Selectmen within one month following the filing of the appeal, the administrative appeal does not preclude further judicial review, if otherwise permitted by law, on the specified grounds.

It is the general intent of this Section (2) that all direct costs to the Town of Georgetown in Zoning Board of Appeals matters be borne by the Applicant and not the Town.

SECTION 3 – PLANS

Measurements must be accurate. This shall not be construed as a waiver of the requirement to produce more detailed plans or more information at a later date as deemed necessary by the Board. If the Board acts favorably on the petition, the plans as approved must be supplied in the quantity deemed necessary by the Board for inclusion in its decision.

Any topographical feature of the parcel of land relied upon for a variance, such as ledge, rock, peat or natural condition of water, brook, or river, shall be shown on the plan. Any plans presented with the petition shall remain a part of the records of the Board of Appeals.

SECTION 4 - APPLICATION FORM

- A. Any person desiring a permit, variance, or other approval required by or provided for in the Zoning By-Law of the Town of Georgetown, or any applicable statute of the General Laws of the Commonwealth of Massachusetts, shall first file an application/petition with the Georgetown Town Clerk on a form provided by the Board. The Board may refuse to hear any application/petition unless and until these rules of procedure have been complied with.
- B. Upon application/petition, the applicant/petitioner shall be given a copy of these "Rules of Procedure".
- C. Evidence shall be submitted with the application/petition that the applicant/petitioner:
 1. is the owner of the property involved, or
 2. has the written permission of the owner to make such application/petition.

UNDER NO CIRCUMSTANCES WILL A PERMIT, VARIANCE, OR OTHER APPROVAL BE ISSUED TO A PERSON OR ORGANIZATION OTHER THAN THAT APPEARING ON THE APPLICATION.

- D. Any communication to the Board purporting to be an application/petition, appeals, or petition shall be regarded as mere notice of intention to seek relief and shall be of no force or effect unless it complies with the requirements of these rules.

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SECTION 5 - FILING PERIOD

An appeal to the Board of Appeals by a person aggrieved by his inability to obtain a permit from, or enforcement action by, the building inspector shall be taken within 30 days from the date the application for a permit or request for an enforcement action is deemed to have been denied. The application for a permit or request for an enforcement action shall be deemed to have been denied if no decision is issued within 35 days from the date of filing.
(Amended 1/10/01).

SECTION 6 - APPLICATION FOR VARIANCE

Variances are granted in accordance with M.G.L. Chapter 40A, Section 10.

The burden rests upon the person seeking a variance to produce evidence at the hearing that the variance is justified.

A petitioner requesting a variance from the Board must be able to show at the time of the hearing that:

1. There are unique circumstances relative to the soil conditions, shape, or topography of the land or structure(s) in question, but not affecting generally the zoning district in which the land or structure(s) is located.
(Amended 1/10/01)
2. Literal enforcement of the by-law would involve substantial hardship to the aforementioned land or structure, financial or otherwise, and
3. Desirable relief may be granted without substantially derogating from the intent and purpose of the zoning ordinance or by-law.

SECTION 7 - APPLICATIONS FOR SPECIAL PERMIT

- A. A special permit may not be granted in any case unless it meets the requirements of Massachusetts General Laws Chapter 40A, Section 9 and the Georgetown Zoning By-law. (Amended 1/10/01)
- B. Special permits are similar to variances in that both are mechanisms by which a municipal board authorizes a variation from otherwise applicable zoning requirements. The chief difference is that a special permit is a type of variation which is provided for in the ordinance or bylaw, subject to specified requirements and conditions. (Amended 1/10/01)
- C. A board must make the findings required by the Zoning Act and by the ordinance or by-law in order to properly grant a special permit. The requirements are different for different types of special permits.
- D. The following prerequisites are required but not limited to:

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1. The requested use is essential or desirable to the public convenience or welfare; and
2. The requested use will not overload any public water or other municipal system so as to unduly subject any area to hazards affecting health, safety, or the general welfare; and
3. The requested use will not impair the integrity or character of the district or adjoining districts; and
4. The requested use will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

E. Changes to Pre-Existing Nonconforming Structures and Uses

Except as provided for below, pre-existing nonconforming structures or uses may be extended or altered provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals in granting a special permit that such change, extension, or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. "A special permit shall not be required when alteration, reconstruction, extension, or structural change to a single or two-family residential structure does not increase the non-conforming nature of said structure" (*amended May 2, 2005 Town Meeting*).

Procedure for Reviewing Applications for Changes to Existing Non-Conforming Structures and Uses, (amended 11/9/10).

1. The Building Inspector shall identify the nonconforming aspect(s) of the existing structure, lot, or use and make the determination that such structure, lot or use meets the requirements for existing nonconforming status.
2. If the change relates to a pre-existing nonconforming single or two-family residential structure on a conforming lot with conforming frontage, and where the change otherwise complies with all existing zoning requirements, a building permit may be issued with no further review required by the Board of Appeals. Otherwise, an application for either a Special Permit or Variance must be made to the Board of Appeals to expand or change any pre-existing nonconforming structure or use.
3. The Board of Appeals at the time of the hearing shall review the proposed change to determine if the change increases the nonconforming nature of any of the existing nonconformities, or creates any new nonconformity. Changes that create any new nonconformity require a Variance as summarized in Section 6 of these Rules of Procedure.

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4. If at the time of the hearing the Board of Appeals, in accordance with Chapter 165-89, determines by a Finding (requiring simple majority vote) that all of the following conditions are met, no special permit is required and the applicant shall be entitled to a building permit:
 - a. The change relates to a single or two-family residential structure.
 - b. The change would not create a new nonconformity.
 - c. The change would not increase the nonconforming nature of the structure.
 - d. The change would not be substantially more detrimental than the existing nonconforming use to the neighborhood.

 5. The Board of Appeals would grant a Special Permit (requiring 4 of 5 member vote) if all of the following conditions are found to be met:
 - a. The change would not create a new nonconformity.
 - b. The change would not be substantially more detrimental than the existing nonconforming use to the neighborhood. A dimensional change in the nonconforming nature of a pre-existing nonconformity is but one factor in making this determination. An increase to a pre-existing nonconformity would not necessarily prohibit the Board of Appeals from making a favorable determination, nor would a decrease in a pre-existing nonconformity necessarily compel the Board of Appeals to make a favorable determination. In granting a Special Permit, the Board of Appeals may consider conditions mitigating the detrimental nature of the nonconformity.
 - c. The change would comply with Section 165-79 of the Georgetown Zoning by-law as summarized in Section 7-D of these Rules of Procedure.

 6. Any requested change that creates a new nonconformity requires a Variance as summarized in Section 6 of these Rules of Procedure.
- F. Section 165-11 of the Georgetown Zoning By-Law, Use Regulations and Intensity of Use Schedules decides what is allowed. This schedule lists uses which are permitted, authorized by special permit, or which need a variance. The Board of Appeals may authorize, by special permit, any other use not specifically listed in the Schedule of Uses if such use is similar in character to other permitted uses in the district and is in harmony with the general purpose and intent of this chapter, (amended 10/5/10).

SECTION 8 - FLOOD PLAIN APPLICATIONS

Plans shall show bottom of footing elevations on proposed foundations.

The applicant shall provide ten (10) copies of the soils analysis included in the mitigative drainage analysis using the TR55 program, if possible. Indicate the spring 1987 storm water levels.

The ZBA reserves the right to hire an outside consultant for engineering analysis at the applicant's expense.

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ARTICLE I - APPLICANT/PETITIONER (Continued)

SECTION 9 - COMPREHENSIVE PERMITS/CHAPTER 774 - ACTS OF 1969

As a minimum the following information must be provided with the application/petition for the application/petition to be accepted.

- A. Preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site. All structures of five or more units must have site development plans signed by a registered architect.
- B. A report on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any in the neighborhood. This submission may be combined with that required in (A.) above.
- C. Preliminary architecture scaled drawings for building plans including typical floor plans, typical elevations and sections, and identifying construction type and exterior finish, signed by a registered architect.
- D. A tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas.
- E. Where a subdivision of land is involved, a preliminary subdivision plan.
- F. A preliminary utilities plan showing the proposed location and types of sewage, water and drainage facilities including hydrants.
- G. Documents specified on 760 CMR 31.01 to show the status of the applicant/petitioner and the acceptability of the site.
- H. A list of requested exceptions to local codes, ordinances, by-laws or regulations, including the zoning by-laws or ordinances.
- I. Certified plan of land.
- J. Twenty-five (25) copies of said application/petition with attachments and exhibits shall be submitted to the Town Clerk upon filing (24 to ZBA and 1 to the Town Clerk). There shall be ten (10) copies of any further information requested during the course of the hearings. (Amended 11/8/00, 1/10/01)
- K. Projects shall contain a statement of the environmental impact in terms of traffic, fire, schools, recreation, and the effect on open space and the natural environment.

All other applicable rules of procedure shall be followed. Additional requirements may be added as deemed appropriate by the Zoning Board of Appeals. (Amended 1/10/01)

The ZBA reserves the right to hire outside consultants for application/petition analysis at the applicant/petitioner's expense.

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SECTION 10 - REPRESENTATION AND ABSENCE

If the individual signing the application/petition is unable to attend any hearing on his application/petition, the Board will require written authorization from the applicant/petitioner that his designated representative has his consent to represent the applicant/petitioner and/or to withdraw his application/petition if necessary.

If an applicant/petitioner or his designated representative fails to appear at the time and place set for any public hearing on his application/petition, the board may declare that the application/petition is withdrawn. (Amended 12/9/03)

SECTION 11 - WITHDRAWAL

The applicant/petitioner or his designated representative may withdraw the application/petition without prejudice prior to the publication of the notice of a public hearing thereon, but thereafter may withdraw without prejudice only with the approval of the Board of Appeals. If such request is made prior to the incurring of costs relative to the publication or mailing of notices of hearing, the Clerk shall refund all deposits. If the application/petition is withdrawn after said notices, the applicant/petitioner will not receive a refund.

Any applicant/petitioner wishing to reapply for a Board hearing after his application/petition has been withdrawn must follow the complete procedure set forth in these rules.

SECTION 12 - APPEALS

Following the filing of the decision with the Town Clerk's office, there is a 20 day appeal period at which time the applicant/petitioner or other parties may file with the Superior Court and/or Land Court an appeal of the Zoning Board's decision. If no such appeal is filed, the applicant/petitioner may acquire a building permit from the Building Inspector, if applicable.

SECTION 13 - RE-APPLICATION

In order to have a petition which has been unfavorably and finally acted upon reheard within two years, the petitioner, must request permission from the Planning Board and the Permit or Special Permit Granting Authority, showing new evidence that substantially alters the conditions of the petition. Once the Boards agree the petitioner must reapply to the Board of Appeals in the normal manner.

ARTICLE II – HEARINGS

SECTION 1 - NOTICE

Upon receipt of a satisfactory application/petition, the Chairperson shall designate a time and place for a public hearing concerning the application/petition and notify the Clerk. The Clerk shall cause to be placed in a newspaper of general circulation in Georgetown notice of any hearing planned by the Board. Said notice shall be published once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing.

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The Clerk shall notify all abutters to the affected land according to Chapter 40A and any others he or any member of the Board deems may be affected by a decision to grant the appeal. Such notification shall be sent by mail, postage prepaid. Applicant notification shall be sent by certified mail.

SECTION 2 - HEARINGS TO BE PUBLIC

All hearings shall be open to the public. No person shall speak at any meeting or hearing of the Board until he has addressed the Chairperson and been recognized by him- No person shall be excluded unless considered by the Chairperson to be a "serious hindrance" to the workings of the Board.

SECTION 3 - ORDER OF BUSINESS

1. Open Meeting.
2. Read the "Rules of Procedure" paragraph.
3. Announce proceedings are being tape recorded.
4. If there is a hearing, open hearing.
5. Introduce the members, alternates, and clerk; designate which members will be voting on hearing(s).
6. Read legal notice.
7. Applicant presentation.
8. Read Correspondence.
9. Audience: (stand, give name and address for clerk to enter in record).
10. Questions: from the Board.
11. Audience: summary.
12. Applicant: summary.
13. Board discussion with conditions optional.
14. Motion, second, discussion, and vote (to grant, deny, or continue).
15. Notify of 20 day appeal period following 14 days clerk has to file written decision with the Town Clerk. A person who exercises rights under an appealed Special Permit/Variance does so at risk. (Amended 2/12/08).
16. Close hearing(s).
17. Close meeting. Motion, second, vote.

ARTICLE III – ORGANIZATION

SECTION I - MEMBERS OF THE BOARD

The Board shall consist of five (5) regular members, plus three (3) associate members, appointed by the Board of Selectmen.

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SECTION 2 - POWERS OF THE BOARD

The Board of Appeals shall have the powers granted to it by Massachusetts General Laws Chapter 40A and the Georgetown Zoning By-law.

The Board may employ experts and other assistants subject to appropriation or other funding. The Board may also employ clerical assistance subject to appropriation. (Amended 1/10/01)

SECTION 3 - TERMS OF APPOINTMENT

Terms of regular members shall be of such length and so arranged that the term of one member shall expire each year. Associate members shall be appointed by the appointing authority annually as provided in Chapter 40A Section 12. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing.

The term of office of every member and associate member shall commence as soon after he is sworn and he shall serve until his successor is appointed and qualified. (Amended 11/8/00)

SECTION 4 - CHAIRPERSON: POWERS AND DUTIES

At the first regular meeting following the confirmation of the annual appointments, the Board will nominate and elect from the regular members a Chairperson to serve for one year. At no time shall any Chairperson hold office more than two consecutive years. (Amended 1/10/01)

The Chairperson shall vote and be recorded on all matters coming before the Board. The member of the Board of the longest standing shall preside and perform the duties of the Chairperson in his absence. Subject to these rules, he/she shall decide all points of order as prescribed in Robert's Rules of Order. He/she shall appoint such committees as may be found necessary or desirable.

In addition to powers granted by general laws and local ordinances, and subject to these rules and further instructions of the Board, the Chairperson shall transact the official business of the Board, supervise the work of the clerk, request necessary assistance, direct the work of all subordinates, and exercise general supervisory power, He/she shall at each meeting, report on all official transactions that have not otherwise come to the attention of the Board.

SECTION 5 - CLERK (hired)

The Clerk need not be a member of the Board and may be appointed by a majority vote of the Board to carry out such clerical duties as the Board may assign. The Clerk shall be compensated at the standard hourly rate for such help by the Town of Georgetown, as approved by the Board, in accordance with schedule "B".

SECTION 6 - ASSOCIATE MEMBERS

The Chairperson of the Board shall on a rotating basis designate an associate member to sit on the Board in case of the absence, inability to act or conflict of interest on the part of any Board member, or in the event of a vacancy on the Board, said vacancy is filled in the manner provided in MGL Chapter 40A, Section 12. Associate Members may participate in

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discussions during each hearing and may vote on rules of procedure and procedural matters. In case of a tie on a vote regarding rules of procedure and procedural matters, the final vote shall be determined by a majority vote of the five regular members of the Board or by the five members Board as seated by the Chairperson pursuant to MGL Chapter 40A.

SECTION 7 - QUORUM

Five (5) members (regular/associate) shall constitute a quorum for procedural matters.

SECTION 8 - REGULAR MEETINGS

When there is business before the Board, the Board shall meet as called by the Chairperson who shall designate a reasonable time and place of each meeting. Hearings may be continued if deliberation proceeds past 10 p.m. Members shall notify the Chairperson if they cannot attend. (Amended 1/10/01)

SECTION 9 - SPECIAL MEETINGS

Special meetings may be called by the Chairperson, or at the request of two members. Members shall be notified and notices shall be posted publicly as required by law. Members shall notify the Chairperson if they cannot attend.

SECTION 10 - VOTING REQUIREMENT

Voting requirements are governed by MGL Chapter 40A, Georgetown Zoning By-Law, and other rules adopted by this Board.

SECTION 11 - RECORDS

The Clerk shall maintain a file for each appeal/petition containing copies of all applications, minutes, notes, receipts and correspondence concerning the appeal. (Amended 1/10/01)

The record shall show the vote of each member upon each question or, if absent or failing to vote, indicate such fact. It shall, in addition, set forth clearly the reason or reasons for Board's decision.

The Clerk shall file the decision and minutes with the Town Clerk within fourteen (14) days of the voting of the decision. A copy of each decision shall be filed in the office of the Board of Assessors. (Amended 5/24/01)

The Clerk shall keep a record of proceedings of the Board and give notice of decisions as required by Chapter 40A of the General Laws of the Commonwealth of Massachusetts. Notice of decision shall be sent by certified mail to applicant/petitioner, owner, and Building Inspector.

Whenever a new Clerk is appointed, the retiring Clerk shall submit to him a complete copy of these rules, plus all accumulated records of the Board.

SECTION 11 - RECORDS - (Continued)

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A copy of these "Rules of Procedure" shall be made available at each public hearing. At the start of each public meeting the Chairperson shall instruct a member of the Board to read the following announcement:

"The Board of Appeals will conduct this meeting according to rules laid out in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, Robert's Rules of Order, and its own particular set of rules entitled "Rules of Procedure" a copy of which is on file with the Town Clerk. Another copy is available from the Clerk at this meeting."

The Chairperson shall, for each petition received by the Board, designate a specific member of the Board who shall be responsible for writing the decision of the Board on that petition: In choosing a member to write a decision, the Chairperson shall give due regard to distributing the work load fairly among the members.

The minutes of each hearing and meeting shall be approved by the members of the Zoning Board of Appeals designated by their signature. Lack of signature, however does not necessarily designate disapproval. Any member may add to or delete portions of the minutes that he/she does not agree with by attaching a separate sheet with his/her signature to said minutes. Each page of minutes shall be initialed to indicate the member has read and understood the content.

A tape recording may be used for the purpose of taking accurate minutes. If a tape recording is used, that recording may be destroyed after the minutes are written and approved, unless a request has been made to review the tape under the M.G. L. Chapter 4, Section 7, clause (26), subsection 66, section 6, 10,17c, "Request for Public Records Law".

If such a request has been made, the tape shall be made available only after the minutes have been written and approved by the membership of the Zoning Board of Appeals or within the deadline specified by the Massachusetts Public Records Law, which ever comes first.

Any Board member or associate member may submit an expense report for reimbursement subject to approval of the Board.

SECTION 12 - MISCELLANEOUS

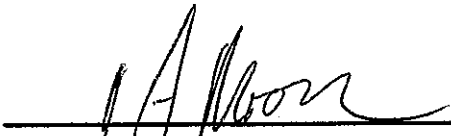
The Board of Appeals MAY from time to time require a cash bond where special permits or Variances are granted subject to appropriate conditions and safeguards required by the Board to insure compliance with Massachusetts General Laws.

SECTION 13 - VALIDITY

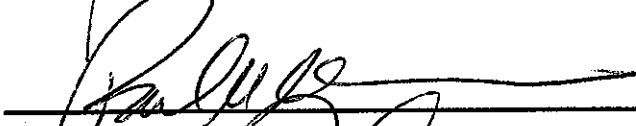
These rules shall be binding on subsequent Boards; however, they may be amended by the majority vote of any existing, legally constituted Board. Upon amendment, a copy of the amended or new rules must be filed with the original rules on file with the Town Clerk and the Board of Selectmen- These rules shall not be inconsistent with Chapter 40A, and the invalidity of any section of these rules shall not invalidate any other section or provision hereof.

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The above rules of procedure have been accepted by majority vote of the Zoning Board of Appeals on the date indicated on page one herein.



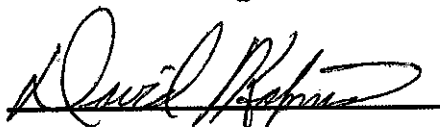
Jeff Moore – Chairperson



Paul Shilhan – Regular Member



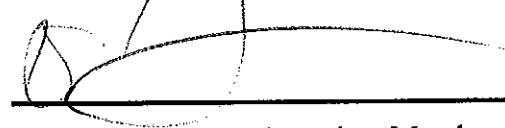
Matthew Lewis – Regular Member



David Kapnis – Regular Member

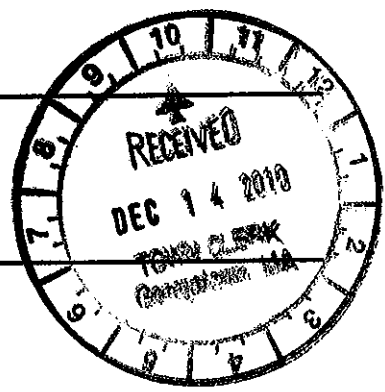
Gina Thibeault – Regular Member

Paul Taraszuk – Associate Member



Sharon Freeman – Associate Member

Vacant - Associate Member



(Original Signatures on file in the Town Clerk's Office)