

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 16-1359B

YAN HUANG, et al,

Plaintiffs,

v.

LEO F. BARTOLINI, JR., DAVID EAGLE
and PAUL DREPANOS as they are Members
of the ZONING BOARD OF APPEALS
of the TOWN OF SOUTHBOROUGH

Defendants.

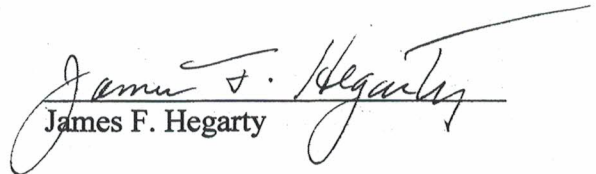
Affidavit of Southborough Town
Clerk, James F. Hegarty

I, James F. Hegarty, on oath, depose and say of my own personal knowledge that:

1. I am the duly elected Town Clerk for the Town of Southborough and have been since May 12, 2015.
2. My office maintains all public filings and documents under our jurisdiction.
3. As Keeper of Records of Public Filings, the office of the Town Clerk receives Rules and Regulations of various Town Boards and Commissions.
4. Pursuant to the provisions of M.G.L. c.40A, Section 12, the Town Clerk receives and places on file the duly voted and promulgated Rules and Regulations of the Southborough Zoning Board of Appeals.
5. Pursuant to past practice and procedure, those Rules and Regulations, historically, as submitted to the Town Clerk's office are inserted into the Town of Southborough's Code Book in Division 4, Chapter 249.
6. Currently, Chapter 249 of the Code contains the prior Rules and Regulations promulgated on March 12, 1974 with an Amendment voted by the ZBA on September 28, 2011.

7. Through unintentional clerical error of the Town Clerk's office before my time, the duly promulgated Rules and Regulations of the Zoning Board of Appeals of January 26, 2007 were never entered into the Code Book by updated republication.
8. The 2007 Rules and Regulations were however duly filed under M.G.L. c.40A with the Town Clerk's Office on January 26, 2007. Since 2007 and subject only to the 2011 Amendment, the 2007 Rules and Regulations were the applicable Rules and Regulations of the Zoning Board of Appeals until 2017.
9. A subsequent Amendment of 2017 was also duly filed with the Town Clerk's office. These regulations supersede all prior Rules and Regulations for the Zoning Board of Appeals.
10. My office is correcting this prior oversight by having the publishing company General Code of Rochester New York properly update Division 4, Chapter 249 of the Code as to currently promulgated Zoning Board of Appeals Rules and Regulations.

Sworn and signed under the penalties of perjury this 5th day of February, 2018.


James F. Hegarty