

Chapter 249: Zoning Board of Appeals

[HISTORY: Adopted by the Zoning Board of Appeals of the Town of Southborough 2-21-2017.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 174.

[1] *Editor's Note: This enactment also superseded former Ch. 249, Zoning Board of Appeals, adopted 3-12-1974, as amended 1-26-2007 and 9-28-2011.*

§ 249-1 Authority; effective date; amendments.

- A. The following rules and regulations are adopted by the Town of Southborough (the "Town") Zoning Board of Appeals (the "Board") under the authority of, and in compliance with, the General Laws of the Commonwealth of Massachusetts (the "General Laws"), Chapter 40A, § 12, and Chapter 174, Article VI, § 174-25 of the Town Zoning Code.
- B. These rules and regulations shall be filed with the Town Clerk, and after such filing are effective as of February 21, 2017. These rules and regulations supersede any and all previous regulations of the Board.
- C. These rules and regulations may be amended at any time by a vote of four of the five then-sitting members of the Board. Any such amendments shall be filed with the Town Clerk in the same manner in which these rules and regulations were so filed and will be effective as of such filing date (or other later date as specified as part of such filing).

§ 249-2 Officers and duties.

- A. Chairman: A Chairman shall be elected annually no later than June 30 by majority vote of the Full Members of the Board and will serve for a twelve-month term from July 1 through the subsequent June 30. Should a new Chairman not be elected by June 30 of a particular year, the then-current Chairman shall continue to serve as Chairman until a successor is elected. The Chairman shall be responsible for the overall conduct of the Board's activities, including but not limited to:
 - (1) Calling meetings;
 - (2) Presiding at meetings and regulating their conduct;
 - (3) Appointing subcommittees, to the extent permissible pursuant to applicable law, as he/she deems necessary, to review Board administrative issues and make recommendations to the Board for consideration and approval; and
 - (4) Authorizing purchase orders for expenditures by the Board.

The Chairman may, at his/her discretion, designate another Board member to fulfill certain of these duties.

- B. Acting Chairman: If the Chairman is absent from a meeting or unable to fulfill his/her duties for a period of time, he/she may appoint an Acting Chairman to fulfill the Chairman's duties for a particular meeting or for a specified period of time. If the Chairman has not appointed an Acting Chairman to serve during such absence, the senior member present, in point of service, shall be Acting Chairman during such absence.

§ 249-3 Meetings, hearings and decisions.

The Board shall conduct its affairs, meetings and hearings and render its decisions according to the requirements of the Town Zoning Bylaw (the "Bylaw"), the Town Code (the "Town Code") and the General Laws of the Commonwealth of Massachusetts (the "General Laws"), as applicable.

§ 249-4 Petitions and appeals.

- A. Process for petitions and appeals. The Board's process for considering and disposing of petitions and appeals shall be according to the requirements of the By-Law, the Town Code and the General Laws, as applicable. The Board may establish related administrative processes not inconsistent with the By-Law, the Town Code and the General Laws as it deems

necessary, and such administrative processes may be modified from time to time by a vote of four of the five then-sitting members of the Board.

B. Forms and Instructions for Petitions and Appeals

- (1) All petitions and appeals to the Board shall be presented on forms to be supplied by the Board, according to the instructions provided with these forms. Such forms and instructions may be modified from time to time as the Board deems necessary, by a vote of four of the five then-sitting members of the Board.
- (2) If there is any conflict between these rules and regulations and the Bylaw, the Town Code and the General Laws pertaining to a zoning matter, then the order of precedence for resolution of such conflict shall be first, the General Laws, then second, the Town Code (including the Bylaw) and then third, these rules and regulations.