

All definitive plans must be consistent with the need to minimize flood damage, provide that all public utilities and facilities, such as sewer, gas, electric and water systems, shall be located, elevated and constructed to minimize or eliminate flood damage, provide adequate drainage so as to reduce exposure to flood hazards and comply with other requirements of the National Flood Insurance Act, as amended from time to time, to the extent in force and applicable.

§ 244-35. Severability.

The provisions of these rules and regulations shall be severable, and if any provision or the application thereof is found to be invalid, this shall not affect the validity of any other application or provision thereof.

Chapter 249. Zoning Board of Appeals

[HISTORY: Adopted by the Zoning Board of Appeals of the Town of Southborough 3-12-1974. Amendments noted where applicable.]

§ 249-1. Authority; amendments.

- A. The following rules and regulations are adopted by the Southborough Zoning Board of Appeals under the authority of, and in compliance with, MGL c. 40A, § 12. These rules and regulations shall become effective upon the filing of the same with the Town Clerk for the Town of Southborough.
- B. These rules and regulations may be amended at any time by the Zoning Board of Appeals. Any such amendments shall be filed with the Town Clerk in the same manner in which these rules and regulations were so filed. Such amendments shall take effect upon being filed with the Town Clerk.
- C. These rules and regulations supersede any and all previous regulations of the Zoning Board of Appeals.

§ 249-2. Chairman; disqualification of members.

- 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:
[Amended 9-28-2011]
 - (1) Calling meetings;
 - (2) Presiding at meetings and regulating their conduct; and
 - (3) 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. Members. Members and alternates shall be responsible for disqualifying themselves from participation in the deciding of any case coming before the Board where the member or alternate has any substantial conflict of interest pertaining to the subject matter of the particular case.

§ 249-3. Meetings; hearings.

- A. Five members of the Board shall be present at every hearing. Four members may hold a hearing and act on the matter before the Board, provided that the interested parties assent thereto before the hearing opens. Any hearing may be adjourned for any reason by the Board, or by any member in case of the absence of a quorum, to a later date by a statement to that effect at the hearing, and the hearing as so adjourned from time to time may be held without any further notice, unless the Board shall vote that such notice shall be given.
- B. The Board will hold public hearings on all applications submitted to it. A quorum shall consist of four members or their alternates. No member shall appear or represent any person in any matter pending before the Board. No member shall hear or decide an appeal in which he is directly or indirectly interested in a personal or financial sense.
- C. The hearings will proceed as follows:
 - (1) The Chairman will call the meeting to order and read the notice of hearing as it appeared in the paper.
 - (2) The applicant or his representative shall present the case to the Board.
 - (3) The abutters to the property present at the hearing may be heard and duly recorded.
 - (4) Any other interested parties present at the hearing may be heard.
 - (5) Town representatives may be heard (Planning Board, Selectmen, other boards, etc.).