

<b>ORIGINAL WARRANT ARTICLE</b>
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To require a quorum of four (4) members of the Zoning Board of Appeals or their alternates to hold public hearings on any and all matters before them, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

**Zoning Board of Appeals: Meetings; Hearings; Quorum**

- 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 or she 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 shall be heard and duly recorded.
  - (4) Any other interested parties present at the hearing shall be heard.
  - (5) Town representatives shall be heard (Planning Board, Selectmen, other boards, etc.).
  - (6) The Chairman shall inform those present at the hearing as to the time requirements, under MGL c. 40A, § 21,[1] for appealing the decision of the Board. [1] Editor's Note: See MGL c. 40A, § 17, Judicial Review
- D. Hearings before the Board:
  - (1) All hearings of the Board shall be open to the public
  - (2) The transcript of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
  - (3) The transcript shall be signed by the Secretary or Acting Secretary.

**Zoning Board of Appeals: Disqualification of Members**

A. Members and alternates shall be responsible for contacting the State Ethics Commission for a conflict of interest opinion and disqualifying themselves from participation in the deciding of any case coming before the Board where the member or alternate has any conflict of interest or appearance of conflict of interest pertaining to the subject matter of the particular case. Members and alternates are required to file Conflict of Interest (COI) Forms with the Town Clerk and BOS before the case is heard.

<b>PROPOSED REVISIONS (TRACKED CHANGES in RED)</b>
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- D. Hearings before the Board:
  - (1) All hearings of the Board shall be open to the public
  - (2) The ~~transcript~~ **minutes** of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
  - (3) The ~~transcript~~ **minutes** shall be signed by the Secretary or Acting Secretary.

**Zoning Board of Appeals: ~~Disqualification of Members~~ **Conduct****

- A. **Zoning Board of Appeals (ZBA) members are municipal employees covered by the conflict of interest law (Chapter 268A of the General Laws).**
- B. In addition to **complying with the requirements of** Mass Gen Law Chapter 268A, ~~Members and alternates shall be responsible for contacting the State Ethics Commission for a conflict of interest opinion and disqualifying themselves from participation in the deciding of any case coming before the Board where the member or alternate has any conflict of interest or appearance of conflict of interest pertaining to the subject matter of the particular case.~~ members and alternates are required to file **any necessary** Conflict of Interest (COI) Forms with the Town Clerk and ~~BOS~~ **Board of Selectmen** before ~~the~~ **a case related to such a conflict** is heard.

<b>FINAL LANGUAGE (TO BE AMMENDED ON TOWN FLOOR)</b>
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- D. Hearings before the Board:
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  - (2) The minutes of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
  - (3) The minutes shall be signed by the Secretary or Acting Secretary.

**Zoning Board of Appeals: Conduct**

- A. Zoning Board of Appeals (ZBA) members are municipal employees covered by the conflict of interest law (Chapter 268A of the General Laws).
- B. In addition to complying with the requirements of Mass General Law Chapter 268A, members and alternates are required to file any necessary Conflict of Interest (COI) Forms with the Town Clerk and Board of Selectmen before a case related to such a conflict is heard.