

APPENDIX A

MILLBURY BOARD OF APPEALS RULES AND OPERATING PROCEDURES*

The name of the Board shall be the Millbury Board of Appeals. Its authority shall be as outlined and amended in the Zoning by-laws of the Town of Millbury and the Commonwealth of Massachusetts General Laws Chapter 40A as amended.

Members shall be appointed one each year on a rotating procedure by the Millbury Board of Selectmen, or be reappointed by the same procedure. There shall be five regular members and two alternate members. Alternate members shall serve when required by order of the Appeal Board Chairman or in the absence of regular members. The Board shall meet at the call of the Chairman. The regular monthly meeting shall be the second Thursday of each month except that no meeting need be held if in the opinion of the Chairman there is not efficient business to come before the Board to require meeting. Board members shall be notified by mail of each meeting. Such notification shall be sent by the Board Secretary.

All requests for variances shall be handled in accordance with the procedures outlined in the Millbury Zoning By-Law and the Massachusetts Chapter 40A Laws as amended.

The Chairman shall be elected each year by the Board at a regular meeting called for the purpose of electing officers. The Secretary shall also be elected at same meeting to serve one year.

The Chairman, Secretary, or any member of the Board of Appeals may be removed for cause, after a public hearing of such changes has been held, if requested.

All business such as approving of bills for payment, voting to purchase supplies and equipment for the Board, employing and paying secretarial help: approving expense vouchers, etc .may be brought before the Board for its consideration and action at any regular meeting.

It shall be necessary to have a majority of votes of those members present (not less than three members) to pass and process such business transaction.

* **Editor's Note** -This appendix contains the rules and operating procedures of the town board of appeals as set out in the pamphlet published by the town entitled Town of Millbury Board of Appeals Rules for Operating Procedures and is set out herein for the convenience of the users of this volume.

Cross references -Administration, Ch. 2; Zoning regulations;

Requests for variances shall be accepted and the secretary shall cause the proper advertising of the hearing dates together with a description and the nature of the variance to be published in a newspaper of general circulation in the Town of Millbury in accordance with the By-Law and Chapter 40A Laws.

The Secretary shall also notify by mail all persons deemed by the Board to be affected by the variance requests.

The date of all hearings and viewings shall be set by vote of a majority of the Board or may be set by the Chairman if urgency is indicated.

The Board may employ the services of a stenographer to take notes and write proceedings of hearings, to write letters, send out forms and notices and otherwise carry on the clerical work of the Board.

It shall be permissible to use an electronic tape recording machine to keep accurate records of all hearings, etc.

The Board shall maintain a current file of all cases and any action taken thereon both past and present. This file shall be kept in the home of the Chairman or the office of the Board. Any member of the Board shall have access to this information at any time.

The Board shall use a copy of the latest voting list for the Town of Millbury in securing names of persons deemed to be affected by variances for a particular neighborhood.

In cases requiring ownership information the Board shall obtain such information from the Millbury Board of Assessors.

The Board shall secure the services of the town counsel whenever it is deemed necessary for consultation or assistance.

Final disposition of all cases shall be filed with the Town Clerk as a public record in compliance with Chapter 40A Laws.

Hearing procedures: The chairman will preside at all hearings except that in his absence he may appoint an acting chairman for the five regular members.

1. The petition will be read.
2. Persons in favor will be heard.
3. Persons opposed will be heard.

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4. General discussion.
5. Date set for viewing.
6. Hearing adjourned.

All decisions of this Board shall be final except as provided under Chapter 40A General Laws of Massachusetts.