

**Rules and Regulations
of the
Westwood Zoning Board of Appeals**



50 Carby Street
Westwood, MA 02090

Promulgated: January 21, 2015
As Amended: October 17, 2018

Zoning Board Administrative Rules and Regulations

Table of Contents

Table of Contents

SECTION 1 Organization..... 5

 A. Election of Officers..... 5

 B. Duties of Officers 5

SECTION 2 Meetings 6

 A. Quorum 6

 B. Regular Meetings 6

 C. Special Meetings 6

 D. Site Visits 6

 E. Open Meeting Law 7

SECTION 3 General Provisions 7

 A. Purpose and Authority 7

 B. Applicability..... 7

 C. Adoption and Amendment 7

 D. Effective Date..... 7

SECTION 4 Fees 8

 A. Fee Procedure 8

 B. Fee Schedule 8

 C. Review Fees..... 8

SECTION 5 Application Requirements 8

 A. Digital Application..... 8

 B. Pre-Application Documentation 9

C.	Application Recording.....	10
D.	Certified Abutters List.....	10
E.	Documentation Submission After Application.....	10
F.	Referral to Other Boards or Departments.....	11
SECTION 6	Plan Requirements.....	11
A.	Certified Plot Plans.....	11
B.	Building Plans.....	11
C.	Supporting Documentation.....	12
SECTION 7	Statutory Timelines.....	12
A.	Variances.....	12
B.	Special Permits.....	12
C.	Appeals.....	12
D.	Comprehensive Permits.....	13
E.	Constructive Approval.....	13
SECTION 10	Public Hearings.....	13
A.	Notice of Public Hearing.....	13
B.	Rules of Procedure for Public Hearings.....	14
C.	Vote.....	14
D.	Recordings/Transcripts of Public Hearings.....	15
SECTION 11	Disposition of Application.....	15
A.	Decision.....	15
B.	Notice of Decision.....	15
C.	Recording and Obtaining Permits.....	15
D.	Withdrawal of Application.....	16
E.	Appeals.....	16

F.	Repetitive Applications	17
G.	Lapse	17
H.	Extension of Special Permit.....	17
I.	Extension of Variance	17
J.	Effective Date of Special Permit.....	18
K.	Modification, Amendment or Renewal of Special Permit	18
SECTION 12	Severability of Provisions	18
SECTION 13	Waiver of Full Compliance	19
	Adoption of Zoning Board of Appeals Administrative Rules & Regulations	20

SECTION 1 Organization

A. Election of Officers

The Zoning Board of Appeals (ZBA) a/k/a the “Permit Granting Authority” and “Special Permit Granting Authority” and herein after referred to as the Board shall annually elect the following officers from among its members: chair, vice-chair, and clerk. A chair/clerk is permissible. A majority of all Regular appointed Board members must vote favorably to elect each officer. Associate Board members shall not participate in the vote.

B. Duties of Officers

Chair – The chair shall transact the official business of the Board, coordinate with the clerk and staff when necessary, conduct the meetings and public hearings of the Board and decide all points of order unless overruled by the majority of the members of the Board. The chair shall vote and be recorded on all matters before the Board. Two motions are required to take any action, one of which will be a second. Special permits issued by a Special Permit Granting Authority such as the Board require a super majority to pass. Should only two votes be taken due to unforeseen circumstances, then the appeal period following the filing of the decision with the Town Clerk shall extend from twenty (20) days to ninety (90) days.

Vice-Chair – The vice-chair shall act as chair in case the chair is absent, disabled, or otherwise unable to perform his/her duties.

Clerk – The clerk shall supervise all clerical work, subject to the direction of the Board and the chair. Clerical work shall be performed by administrative staff and shall include, but not be limited to correspondence of the Board, sending of all notices required by law and these Rules and Regulations, filing the Board Rules and Regulations and all amendments thereto with the Town Clerk, drafting, filing, and mailing copies of all decisions and maintaining necessary files and indexes.

Associate Members – the chair shall designate associate members to sit on the Board in the case of absence, inability to act, or conflict of interest on the part of any Board member. In the event of a vacancy on the Board, the chair may designate an associate member to act as a member of the Board until another person or associate is appointed to fill the unexpired portion of the vacated term.

SECTION 2 Meetings

A. Quorum

Three (3) members of the Board, or a super majority, shall constitute a quorum for consideration of any zoning application, appeal or petition. Only those members who have participated in all hearing sessions for an application, appeal or petition may act upon that application, appeal or petition. In the event of an unforeseen absence, the so-called "Mullin Rule" adopted by the Town on May 7, 2007, shall take precedence.

B. Regular Meetings

Regular meetings of the Board shall be held monthly. Generally, meetings shall be scheduled for 7:00 PM on the third Wednesday of the month, but the meeting schedule may be altered to accommodate holidays, Election Days, or other events that could substantially interfere with the availability of Board members or interested parties. The regular meeting schedule for a calendar year shall be adopted by the Board each December and shall be posted publicly in the Town Hall and made available on the Town website.

C. Special Meetings

Special meetings may be called by the chair, or at the request of two members of the Board. Written notice of a special meeting shall be given to each member at least 48 hours before the set time. A notice of every special meeting shall be posted publicly in Town Hall.

D. Site Visits

The Board members and/or administrative staff, at their discretion, may conduct a site visit to the subject property of the application, appeal or petition, to include access to the property. No deliberations or decisions shall be made by the Board on such site visit that would be in conflict with the Open Meeting Law. The applicant, appellant or petitioner shall accommodate such inspection and any refusal on the part of the applicant, appellant or petitioner may result in the denial of the application, appeal or petition.

E. Open Meeting Law

All meetings of the Zoning Board of Appeals shall be subject to and comply with the Open Meeting Law, M.G.L. Chapter 39, Sections 23A-23C.

SECTION 3 General Provisions

A. Purpose and Authority

These Rules and Regulations are adopted by the Zoning Board of Appeals as the Special Permit Granting Authority, as provided in the Town of Westwood Zoning Bylaw and in Chapter 40A of the Massachusetts General Laws for the purpose of establishing uniform rules and procedures for the granting of Special Permits, Variances, and/or Appeals of an order or decision by the Building Commissioner, or by an order or decision of any administrative official under the Zoning Bylaw. Applicants, appellants and petitioners must also comply with any and all other requirements and procedures set forth in the Zoning Bylaw.

B. Applicability

Agents other than the parcel's property owner (including tenant, prospective purchaser, contractor, architect, etc.) may serve as lead applicant for a Special Permit, lead petitioner for a Variance or lead appellant for an Appeal only if the application contains a fully completed Property Owner Affidavit executed by the property owner on record. The Affidavit form may be obtained in person in the Zoning Division office and online on the Town website, and must be uploaded to ViewPermit with supporting documentation. Applications, appeals or petitions submitted by an agent other than the property owner without the required Affidavit may be rejected by the Board without possibility of refund.

C. Adoption and Amendment

These Rules and Regulations may be adopted and from time to time amended by vote of the Board during a regularly scheduled public hearing.

D. Effective Date

These Rules and Regulations are effective when voted on affirmatively by the Board and filed with the Office of the Town Clerk.

SECTION 4 Fees

A. Fee Procedure

All fees are due and payable at the time of filing the application, appeal or petition to be heard before the Board. Fees are collected through the digital permitting system and applications, appeals and petitions shall not be processed without payment confirmation. Waivers of permitting fees must be submitted in writing to the Board prior to application.

B. Fee Schedule

Residential Properties	\$165.00
Business Properties	\$330.00
Comprehensive Permits	\$2,530.00

C. Review Fees

It is contemplated that in some cases it will be necessary for the Board to hire consultants in connection with the review and evaluation of an application, including but not limited to experts in the areas of traffic, engineering, legal or planning. The applicant, appellant or petitioner shall be required to pay for the costs incurred by the Board for the employment of these consultants. Consultants shall be invoked at the Board's discretion.

Funds received by the Board pursuant to this provision shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this account may be made at the direction of the Board without further appropriation. Expenditures from this account shall be made only for services rendered in connection with the project from which a review fee has been collected from the applicant, appellant or petitioner. Failure of an applicant, appellant or petitioner to pay a review fee shall be grounds for disapproval of an application, appeal or petition. After completion of the project, any excess amount in the account shall be repaid to the applicant, appellant or petitioner.

SECTION 5 Application Requirements

A. Digital Application

Applications for a Special Permit, Variance and/or Appeal shall be made via the Town's official digital permitting system, ViewPermit. Any communication outside of ViewPermit shall be considered as a

notice of intention to apply and not as an application, appeal or petition. Access to ViewPermit may be located on the Town of Westwood's website at <http://www.townhall.westwood.ma.us>.

It is the responsibility of the applicant, appellant or petitioner to ensure the accuracy and completeness of all information submitted to the Board. The applicant, appellant or petitioner is also responsible for factually supporting all points relied upon in the application, appeal or petition. Failure to meet these requirements may constitute grounds for a \$50 penalty fee, rejection of an application, appeal or petition without refund, or for disapproval of the application, appeal or petition.

It is the responsibility of the applicant, appellant or petitioner to provide, along with the application, appeal or petition a written explanation which clearly and concisely explains the proposed project, using supplemental materials such as maps, definitive photographs of the area and any other documentation to inform the Board of the project.

All requisite documentation uploaded to ViewPermit in an application, appeal or petition must be legible.

The Board offers application types in ViewPermit that correspond to the desired form of zoning relief or appeal to be advanced by the applicant: Special Permits, Variances, Comprehensive Permits and Appeals. It is incumbent upon the applicant to select the correct application type. Applications submitted under the incorrect type may be rejected by the Board without possibility of refund.

B. Pre-Application Documentation

Special Permits & Variances: An application for a Special Permit or petition for a Variance must be preceded by the denial of a building permit application or by the issuance of a project review letter signed by the Building Commissioner or his/her designee. Building permit denials and project review letters must be documented in ViewPermit in the Building Department's own permitting system. Applications for Special Permits or petitions for Variances submitted to the Board without prior denial by the Building Commissioner or his/her designee shall be rejected by the Board and are not eligible for refund. Applications for Special Permits or petitions for Variances that do not reflect the specific form of zoning relief identified by the Building Commissioner or his/her designee in a prior denial may also be rejected by the Board without possibility of refund.

Appeals: An appeal may be filed upon a person's inability to obtain a permit or enforcement action under the Bylaw. Appeals may also be filed by an officer or board of the Town or other person aggrieved by an order or decision of an administrative official under the Bylaw. The appellant shall properly document such adverse action by uploading a copy of the order/decision, permit denial, denial to enforce, or other action by which he or she is aggrieved. An appeal that does not contain the proper documentation may be rejected by the Board without possibility of refund.

Comprehensive Permits: Comprehensive Permit applications do not require adverse action by the Building Commissioner to proceed to the Board, although the Building Commissioner will conduct a concurrent review of the project and provide the Board with his/her assessment. An application for Comprehensive Permit must be preceded by a Project Eligibility determination from a state subsidizing

agency as required in MGL Chapter 40B. A copy of the Project Eligibility determination, as well as all other submission requirements established by the Massachusetts Department of Housing & Community Development, must be uploaded with the Comprehensive Permit application. Comprehensive Permit applicants shall schedule an application review appointment with the Housing & Zoning Agent prior to submitting an application to confirm reasonable application requirements specific to the proposed project.

C. Application Recording

Applicants, appellants and petitioners must submit their applications, appeals or petitions to the Board via the Board's digital permitting system. It is the responsibility of the applicant to file a copy of the application with the Town Clerk.

After filing an application, appeal or petition through ViewPermit, the applicant, appellant or petitioner will be provided with a document entitled "Application Print Out" on ViewPermit. He applicant, appellant or petitioner shall file two (2) printed copies of this document and all associated plans, documentation and materials, with the Town Clerk. The date of filing with the Town Clerk shall be the official date of application, appeal or petition.

D. Certified Abutters List

The Zoning Agent will request a certified abutters list from the Town Assessor's office, which will create and certify the list of Parties of Interest as defined in M.G.L. Chapter 40A, §11 as follows:

- Applicant, appellant or petitioner
- Abutters – owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred (300) feet of the property lines of the subject property as they appear on the most recent applicable tax list, which includes any applicable abutters in other towns.
- Planning Boards of abutting communities

E. Documentation Submission After Application

Should any person or party desire for any written material, including legal arguments or positions, to be considered by the Zoning Board of Appeals in connection with any application, appeal or petition before the Board, such material shall be submitted to the clerk of the Board no later than five (5) calendar days before the public hearing on the application, appeal or petition, or such material may not be considered. Applicants, appellants or petitioners wishing to upload additional documentation directly to ViewPermit must also notify the Zoning Agent directly of such submission.

F. Referral to Other Boards or Departments

The Board of Appeals shall transmit copies of each application, appeal or petition, together with such information as the Board deems appropriate, to Boards, Commissions and Town Staff as it deems appropriate, including but not limited to the Board of Health, Town Planner, Town Engineer, Chiefs of the Police and Fire Departments, Conservation Commission, Town Counsel, Building Commissioner and Board of Selectmen for their review and recommendation. Comments and recommendations submitted by such Boards, Commissions and Town Staff prior to the public hearing shall become part of the application file and shall be considered by the Board of Appeals during the course of the public hearing.

SECTION 6 Plan Requirements

Unless waived by the Board, applications, appeals and petitions must contain the plans and supporting documentation required therein. Failure to meet these requirements may constitute grounds for rejection of an application, appeal or petition without refund, or for disapproval of the application, appeal or petition.

A. Certified Plot Plans

A certified plot plan shall contain the following:

- Title block containing the property address and property record owner;
- The project drawn to scale, to include currently existing and proposed structure(s) with new or proposed structure(s) delineated in red;
- Location and dimensions of primary and accessory buildings and structures and proximity to lot lines with structures proposed to be removed identified;
- Property address, map and lot number, zoning district;
- Well and septic location, if applicable;
- Location of lot lines, dimensions of lot, frontage;
- Locations and dimensions of railroad rights of way and established zoning setback requirements;
- Name, address and imprint of the professional registration stamp of the Registered Land Surveyor and/or Professional Land Surveyor who prepared each sheet;
- Date of plan, with dates and explanation of all revisions, if any; and
- Scale and arrow oriented to true north.

B. Building Plans

Building Plan sets shall contain the following information:

- All accessory structures must be shown and plans shall be drawn to scale, with scale notated on the plan set;
- Interior floor plans, where applicable;
- Building elevations for the existing front, sides and rear of the structure;

- Building elevations for the proposed front, sides and rear of the structure;
- Building height and calculated average height;
- Location and dimensions of exterior stairs;
- Interior layout for accessory apartments, where applicable;
- Date of plan, with dates of all revisions, if any; and
- Name and address of professional who drafted each sheet.

C. Supporting Documentation

The applicant, appellant or petitioner may submit whatever additional information he or she feels is relevant to properly inform the Board of the proposed project, which may include legal opinions, deeds, historical data, studies and reports. The Board is empowered to require information in addition to that specifically required by the Zoning Bylaw or these Rules and Regulations if it finds that this information is necessary to properly act upon the application, appeal or petition.

SECTION 7 Statutory Timelines

A. Variances

The Board shall hold a public hearing for which notice has been given on any petition for a Variance within sixty-five (65) days from the date of filing such petition. The decision of the Board shall be made within one hundred (100) days from the date of filing the petition with the Town Clerk.

B. Special Permits

The Board shall hold a public hearing for which notice has been given on any application for a Special Permit within sixty-five (65) days from the date of filing such application. The decision of the Board shall be filed with the Town Clerk within ninety (90) days following the date of such public hearing at which the decision was made.

C. Appeals

Any appeal taken under M.G.L. Chapter 40A Section 8 and/or Section 10.1.7 of the Westwood Zoning Bylaw must be made within thirty (30) days from the date of the order or decision of any administrative official. The appellant shall file the application for the appeal with the Town Clerk, specifying the grounds for the appeal. The appellant shall also notify the administrative official whose decision is the subject of the appeal.

The Board shall hold a public hearing for which notice has been given on any appeal within sixty-five (65) days from the date of filing such appeal. The decision of the Board shall be made within one hundred (100) days from the date of filing the appeal with the Town Clerk.

D. Comprehensive Permits

The Board shall consider Comprehensive Permits in accordance with the rules established in 760 CMR 56.05. The Board shall open a public hearing no later than thirty (30) days from the date on which the comprehensive permit application is received by the Board. The Board shall close the public hearing within one hundred eighty (180) days of opening the public hearing unless the applicant has agreed in writing to an extension. The Board shall render a decision no later than forty (40) days from the close of the public hearing. All other deadlines established in 760 CMR 56.05, M.G.L. Chapter 40B and M.G.L. 40A shall apply.

E. Constructive Approval

Failure by the Board to file a decision with the office of the Town Clerk within the requisite timelines or the extended time agreed upon by the Board and applicant, appellant or petitioner shall be deemed to be a constructive approval of the application, appeal or petition.

An applicant, appellant or petitioner who seeks constructive approval by reason of the failure of the Board to act within the required time period must provide written notification to the office of the Town Clerk within fourteen (14) days of the expiration of the ninety (90) days or extended time period. The applicant, appellant or petitioner must also notify the parties in interest, as defined in the Zoning Bylaw, by mail, postage prepaid, of the constructive approval. The notice shall specify that appeals, if any, must be made pursuant to applicable state laws particular to the type of application.

SECTION 10 Public Hearings

A. Notice of Public Hearing

Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Westwood once in each of two successive weeks, the first publication not being less than fourteen (14) days before the day of the public hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the public hearing. Notice shall also be sent by mail, to the parties in interest (the applicant, appellant or petitioner; all abutters within three hundred (300) feet of the property line of the subject property; and all owners of land directly opposite on any public or private street or way and the Planning Boards of the abutting communities). In all cases, notification of the public hearing shall be the responsibility of the Board. The required time limits for a public hearing may be extended by written agreement between the applicant, appellant or petitioner and the Board, which agreement shall be filed in the office of the Town Clerk.

B. Rules of Procedure for Public Hearings

An applicant, appellant, petitioner, or party in interest, may appear on his own behalf or may be represented by an authorized agent or attorney. In the absence of an appearance on behalf of an applicant, appellant or petitioner, without cause, the Board may make a decision on the basis of available information otherwise received.

All persons giving testimony before the Board shall be sworn before testifying and said oath shall be administered by the Chairman of the Board. The Chairman shall preside at all public hearings and meetings. The Chairman may designate any member or associate member of the Board to preside as Acting Chairman and perform the duties of the Chairman in his absence. The Chairman, subject to these rules, shall decide all points of order or procedure. Any individual who anticipates speaking on behalf of or against the application, appeal or petition shall make their statement under oath administered by the Chairman and sworn at the start of the meeting.

The applicant, appellant or petitioner, or his duly authorized representative, shall present evidence, testimony or other information in support of the application, appeal or petition. After the said presentation, the Board may question the applicant, appellant or petitioner regarding the evidence, testimony or other information presented. Counsel appearing for the applicant, appellant or petitioner, and counsel appearing for those in opposition, shall have an opportunity to cross-examine any witness testifying before the Board of Appeals, but the Chairman may restrict the extent of such cross-examination. Other individuals appearing before the Board may cross examine any witness only as permitted by the Board. Any persons in attendance will then be given the opportunity to speak or provide testimony. No person shall speak until recognized by the Chairman and provided his name and address for the record. No person shall be polled unless said person is a resident of the Town of Westwood or a duly authorized representative of a resident of the Town of Westwood, or the owner of land which is affected by the subject matter of the hearing.

All written communication shall be submitted into the record prior to the close of the public hearing. No further evidence, testimony or information shall be presented or entered into the record after the close of the public hearing.

Any zoning relief that may be required in adherence to the Westwood Zoning Bylaw shall be considered by the Board at the time of the hearing.

C. Vote

The affirmative vote of the three (3) members of the Board shall be required to authorize, issue, uphold or reverse a Special Permit, Variance, Appeal or Comprehensive Permit.

D. Recordings/Transcripts of Public Hearings

Every hearing held by the Board of Appeals shall be digitally recorded by the Board. This recording shall serve solely as an aid in the preparation of meeting minutes. Meeting minutes, once approved by the Board via unanimous vote, shall serve as the official record of the proceedings, and the digital recording may be discarded at that time. Meeting minutes will be available on the Town website and upon request.

Any party wishing to record or generate a transcript of a public hearing may do so at his or her own expense after declaring an intention to do so and receiving acknowledgement from the Chairman. Such declaration and acknowledgement must occur at the opening of the public hearing.

SECTION 11 Disposition of Application

A. Decision

Any verbal decision made by the Board at the close of a public hearing shall not become official until the issuance of a written decision. The written decision of the Board shall be made and filed with the office of the Town Clerk within the statutory timelines established in Section 7. The required time limits for a decision may be extended by a vote of the Board. Any vote to extend the time limits shall be filed in the office of the Town Clerk.

The written decision shall state clearly the reasons for the action, and shall include specific findings as required by Chapter 40A of the Massachusetts General Laws and the Town of Westwood Zoning Bylaw.

B. Notice of Decision

A notice of the filed decision shall be made to parties in interest, abutting towns and to persons present at the public hearing requesting such notice. The applicant, appellant or petitioner will receive a copy of the full decision. Copies of each decision shall be sent to the Planning Board, Building Commissioner, Assessor's Office, Board of Health and any other Board or Department involved in the original application, appeal or petition. The notice shall specify that appeals, if any, shall be made pursuant to Section 17, Chapter 40A of the General Laws and shall be filed within twenty (20) days after the date the decision was filed with the office of the Town Clerk.

C. Recording and Obtaining Permits

In the case of Special Permits and Variances, the applicant or petitioner shall obtain certification by the Town Clerk that the requisite appeal period has expired. The applicant or petitioner shall file such

certified decision in the Norfolk County Registry of Deeds. Evidence that the decision has been recorded in the Registry of Deeds shall be provided by the applicant or petitioner to the Town Clerk and a copy of the same shall be uploaded to the Building Department record on ViewPermit. The applicant or petitioner is responsible for obtaining all necessary permits, licenses, rights and/or releases prior to commencement of the proposed project.

D. Withdrawal of Application

An applicant, appellant or petitioner may withdraw an application, appeal or petition without prejudice, by written notice to the Board and the Town Clerk at any time prior to the first publication in the local paper of the notice of the public hearing. If such request is made prior to publication of notice of hearing, all fee deposits shall be refunded.

After such public notice, withdrawal of an application, appeal or petition without prejudice, shall be permitted only by vote of the Board.

E. Appeals

Any person aggrieved by the decision of the Board may appeal such decision as provided in Section 17, Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date the decision was filed with the office of the Town Clerk.

F. Repetitive Applications

No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals or Planning Board shall be favorably and finally acted upon within two (2) years after the date of such unfavorable action unless the Board which acted upon the appeal, application or petition, by a unanimous vote, if the Board of Appeals or all but one member if the Planning Board, finds specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in its records. All but one of the members of the Planning Board must also consent to a repetitive appeal, application or petition initially acted upon by the Board of Appeals and submitted for reconsideration within two (2) years after the date of unfavorable action after notice is given to parties in interest of the time and place of the proceedings to consider consent.

G. Lapse

No Special Permit shall be authorized by the Board without the condition that it will lapse if the substantial use under the Special Permit is not commenced within two (2) years from the date of the final action by the Board except for good cause or the final determination of an appeal under M.G.L., Chapter 40A, Section 17.

The rights granted by a Variance shall lapse if they are not exercised within one year of the date of the grant.

H. Extension of Special Permit

Prior to the expiration of a Special Permit, the applicant may apply for an extension of the Special Permit for a period not to exceed one (1) year. The applicant may apply for an extension if the substantial use thereof has not commenced except for good cause.

I. Extension of Variance

Upon written petition by the grantee, the Zoning Board of Appeals may extend the one year time period in which to exercise the rights authorized by a Variance, provided such extension does not exceed six (6) months.

An application or petition for such extension must be filed with the Zoning Board of Appeals prior to the expiration of the six (6) month lapse period.

If the Zoning Board of Appeals does not grant an extension within thirty (30) days from the date of such petition, the rights authorized by the Variance will lapse upon the expiration of the original one year period and such rights may only be reestablished after giving notice and holding a new hearing.

J. Effective Date of Special Permit

No Special Permit shall take effect until a copy of the decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and certification either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and parcel address.

The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and any construction performed under the permit may be ordered undone.

K. Modification, Amendment or Renewal of Special Permit

The Board shall have the authority to modify, amend or renew its approval of a Special Permit upon written request of the property owner, agent, or prospective purchaser if the Board determines that such action is consistent with the purposes and intent of the Zoning Bylaw.

Submission requirements for requests to amend Special Permits or Variances are the same as for an original Special Permit application or Variance petition.

The Building Commissioner, in his sole discretion, may allow de minimis changes to any zoning relief conferred by the Zoning Board of Appeals (“the Board”) without further review and approval by the Board, provided such changes do not materially or substantially derogate from the purpose and intent of such relief, as stated by the Board in either its written decision or at public hearing. In exercising this discretion, the Building Commissioner should afford due consideration to the Board’s findings and decision, the underlying By-Law(s), and particularly the impact or effect, if any, such changes might have on immediate abutters and/or the general public. If the Building Commissioner concludes that the proposed changes might materially or substantially derogate from the purpose and intent of the Board’s relief, or result in any adverse impact or effect on immediate abutters and/or the general public, the Building Commissioner shall require the applicant or petitioner to submit an appropriate application or petition for review and approval by the Board at a public hearing.

SECTION 12 Severability of Provisions

If any section or provision of these Rules and Regulations is held invalid, it shall not invalidate any other section or provision hereof. If the application of any section or provision of these Rules and Regulations to any person or circumstances is held invalid, it shall not invalidate the application of these Rules and Regulations to other persons and circumstances hereof.

SECTION 13 Waiver of Full Compliance

Full compliance with these Rules and Regulations may be waived by the Board provided such waivers are deemed to serve the public interest and do not conflict with Chapter 40A of the Massachusetts General Laws or the provisions of the Town of Westwood Zoning Bylaw.

Town of Westwood

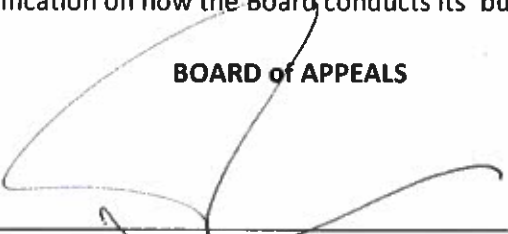


Adoption of Zoning Board of Appeals Administrative Rules & Regulations


The Westwood Zoning Board of Appeals, in accordance with M.G.L. Chapter 40A, Section 9, hereby adopts the aforementioned Rules and Regulations, governing the organization and conduct of the Board and also governing review and action on Appeals, Special Permit applications, Variance petitions, and Comprehensive Permit applications.

In addition to complying with the rules set forth in these Rules and Regulations, applicants, appellants and petitioners must also comply with any and all requirements set forth in the Town of Westwood Zoning By-law and Massachusetts General Laws. No procedure set forth within these Rules and Regulations should be construed to limit the Board of Appeals' powers and rights with respect to those documents. The procedural rules detailed in this document are presented to provide the Board and other interested parties clarification on how the Board conducts its' business.


BOARD of APPEALS



Chairman



Clerk



Third Member

DATE: 10/17/18