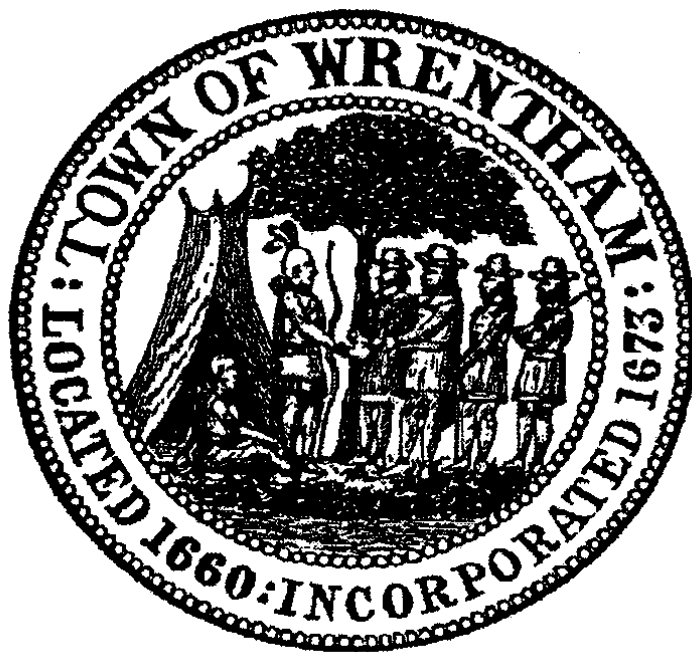


Wrentham Zoning Board of Appeals



Rules & Regulations

Revised June 2015

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ARTICLE I

ORGANIZATION

SECTION 1.01 MEMBERS AND OFFICERS

The Wrentham Zoning Board of Appeals, hereinafter referred to as the "Board", shall consist of five members and one or more associate members, appointed by the Board of Selectmen. At the first regular meeting in May after new members have been sworn in, the members of the Board shall elect all officers of the Board for a one year term to include a Chairperson, Vice-Chairperson and Clerk.

SECTION 1.02 CHAIRPERSON: POWERS AND DUTIES

The Chairperson shall vote and be recorded on all matters coming before the Board. Subject to these rules, he/she shall decide all points of order, unless overruled by a majority of the Board in session at that time. He/she shall appoint such committees as may be found necessary or desirable.

In addition to the powers granted by the General Laws of the Commonwealth of Massachusetts and the Zoning By-Laws of the Town of Wrentham and subject to these rules and further instructions of the Board, the Chairperson shall transact the official business of the Board, supervise the work of all subordinates, and exercise general supervisory power. He/she shall report at each meeting on all official transactions that have not otherwise come to the attention of the Board. All communications pertaining to board business and utilizing ZBA stationery will be cleared through the Chairperson.

SECTION 1.03 VICE-CHAIRPERSON: POWERS AND DUTIES

The Vice-Chairperson shall act as a Chairperson in case the Chairperson is absent, disabled or otherwise unable to perform his/her duties.

SECTION 1.04 CLERK: POWERS AND DUTIES

The Clerk shall be a member of the Board, and subject to the direction of the Board and its chairperson. He/she shall supervise all of the clerical work of the Board including: attend to all correspondence of the Board, send all notices required by law, oversee changes to the rules and regulations of the Board, receive and scrutinize all applications and plans for compliance with the rules of the Board, keep dockets and minutes of the Board's proceedings, compile all required records, maintain necessary files and indices, and call roll at all Board meetings. If the Clerk is absent, the Chairperson shall appoint an Acting Clerk. The Board may hire a clerical secretary to carry out some of the aforementioned duties, subject to approval by the Board and its Chairperson. If both the Chairperson and Vice-Chairperson are absent from a public hearing, the Clerk will assume the role of Chairperson for the scheduled hearings.

SECTION 1.05 ASSOCIATE MEMBERS

Associate members may vote on all general business motions except where otherwise provided for herein. The Chairperson of the Board shall designate an associate member to sit on the Board in case of the absence, inability to act or apparent conflict of interest on the part of any member. When not all associate members are required in an appeal, this designation will occur at the beginning of deliberations for each appeal.

SECTION 1.07 QUORUM

Four members must be present for a quorum. All members and associate members are expected to attend every meeting of the zoning board of appeals. Associate members will count toward a quorum. The clerk or secretary is to be notified of an impending absence.

SECTION 1.08 REGULAR MEETINGS

Regular meetings of the Board of Appeals are normally held at 7:30 p.m. on the second and fourth Wednesday of each month. If a regular meeting day falls on a holiday or any day of a national, state or municipal election, caucus or primary, or is in conflict with a session of a Town Meeting, the meeting may be held on the following Wednesday.

Regular meetings shall be open to the public. Except in an emergency, a notice of each Board meeting shall be filed with the Town Clerk, and a notice or a copy thereof shall be publicly posted in the office of said Clerk or on the principal or official bulletin board in the Town Hall at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to such meetings.

Business at regular meetings shall include site and other plan examinations and all other matters in the province of the Board except petitions for special permits, variances and appeals from decisions of the Building Inspector. Hearings on applications before the Board may be held prior to and/or following the regular meeting, as designated by the Chairperson.

SECTION 1.09 SPECIAL MEETINGS

Special meetings may be called by the Chairperson or at the request of three members of the Board. Except in case of emergency, notice thereof shall be given to the Board at least 48 hours before the set time, except that an announcement of a special meeting at any regular meeting attended by the entire Board shall be sufficient notice of such meetings. Notice shall be posted publicly as provided in Section 1.08.

ARTICLE II

APPLICATIONS TO THE BOARD

SECTION 2.01 APPLICATION FORM

Every application for action by the Board shall be made on the official form. The Town Clerk upon request shall furnish these forms, together with the Application Instructions. Any communication purporting to be an application shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form. The applicant in the manner therein prescribed shall furnish all information called for by the form.

SECTION 2.02 MANNER OF FILING

Ten copies of each application shall be filed and signed by all owners of the site, or if filed by an applicant other than the owner of the site, the ten copies of the application shall be accompanied by an instrument signed by all owners of the site, authorizing the applicant to file the application, and filed in the office of the Town Clerk.

SECTION 2.03 FILING FEES

All applications to the Board shall be accompanied by cash or check, payable to the Town of Wrentham, in the amount specified in the Instructions for Filing of the Application, as it may be amended from time to time.

SECTION 2.04 REQUIRED PLANS TO BE SUBMITTED

See the Instructions for Filing of the Application - include, but not limited to:

1. Current and proposed structure (if applicable)
2. Locus of the property

SECTION 2.05 REVIEW FEES

In connection with those applications involving technical, legal or other issues as to which the Board considers it necessary or desirable to engage an outside consultant or consultants, such as engineers, lawyers, planners or other appropriate professionals, to advise the Board on those issues, the Board may, as authorized under Mass. G. L. Chapter 44, Section 53G, require the applicant to pay a "Review Fee" consisting of the reasonable cost for the employment of outside consultants engaged by the Board to assist the Board in the review of an application. Upon the majority vote of the Board to engage an outside consultant, the Board shall so notify the applicant either in writing or orally at a public hearing, stating (i) the identity of the consultant, (ii) an estimate of the consultant's total fee for the project, and (iii) the

amount of the first payment due from the applicant. The applicant shall, within five (5) business days of notice of the Board's initial request, and any subsequent requests for additional amounts up to the Board's estimate, deposit with the Town Treasurer the amount requested by the Board, said sum to be placed in a separate account as provided in Mass. G. L. Chapter 44, Section 53G. The Board shall then have the right to direct the expenditure of funds, including accrued interest, from such account in connection with carrying out its responsibilities under the law. Expenditures from this special account shall be made only in connection with the review of a specific project for which a review fee has been imposed. Any excess amount in the account attributable to a specific application to the Board, including accrued interest, if any, at the completion on the hearing on that application, shall be repaid to the applicant and a final report of such account shall be made available to the applicant. The failure of the applicant to deposit with the Town Treasurer the full amount of the review fee within five (5) business days of the Board's request therefore shall constitute grounds for disapproval of the application.

An applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen, by filing a written request for review of the Board's designation of its consultant with the Board of Selectmen within five (5) business days of notice of such designation. The grounds for such an appeal shall be limited to the claims that the consultant selected has a conflict of interest or insufficient qualifications. The minimum qualifications shall consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for acting upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that the Board of Selectmen makes no decision within one month following the filing of the appeal, the selection made by the Board shall stand.

ARTICLE III

HEARINGS

SECTION 3.01 NOTICE

A. ADVERTISEMENT

Notice of hearings shall be advertised as required by the provisions of Massachusetts General Laws, Chapter 40A, as amended. In addition, a copy of the advertised notice shall be sent by certified mail, so that the postmark date is at least fourteen (14) days prior to the date of the hearing, to the applicant/petitioner and or the owner of land. Also, copies of said notice shall be sent to abutters, owners of land directly opposite on any public or private street or way, the owners of land within three hundred feet of the property line, the Wrentham Planning Board, the Building Inspector and the planning board of every abutting town. Such notice shall also be posted at the town hall at least 14 days prior to the date of the hearing.

B. CONTENTS

The public hearing notice shall contain the name of the petitioner or applicant; a description of the area or premises, including street address, if any, or other adequate identification of the location of the area or premises which is subject of the application; the date, time and place of the public hearing; subject matter of the hearing; and the nature of action or relief requested.

SECTION 3.02 HEARING TO BE PUBLIC

All hearings shall be open to the public. No person shall be excluded unless he/she is considered by the Chairperson to be a "serious hindrance" to the workings of the Board.

SECTION 3.03 REPRESENTATION

An applicant may appear in his/her behalf or may be represented by an agent or attorney.

SECTION 3.04 ORDER OF BUSINESS

- A. The Chairperson will call the meeting to order and read the notice of hearing as published.
- B. The Chairperson will check for possible conflict of interests among the Board.
- C. The applicant or his representative shall present the case to the Board.
- D. Representatives of the Town, present at the hearing, shall be heard (Planning Board, Selectmen, other Boards and Officials).
- E. The abutters to the property, present at the hearing, shall be heard.
- F. Any other interested parties, present at the hearing shall be heard.
- G. Applicant's rebuttal, restricted to matters raised by opponent's presentation, shall be heard.
- H. Any member of the Board, including associate members, may direct appropriate questions during the hearing.
- I. The hearing may be continued by direction of the chair or majority vote of the board in order to receive further documentation or conduct a site visit. The site visit shall be considered a proactive fact finding effort.
- J. If the hearing was continued, then Items A through H shall be repeated at the continued hearing.

SECTION 3.05 BRIEF TO THE BOARD

It is recommended that a memorandum, setting forth in detail all supporting facts, be submitted with every application. This is especially desirable in the case of a Variance when the following points, based on Massachusetts General Laws, Chapter 40A, Section 10, as amended, should be clearly identified and factually supported:

- A. The particular use proposed for the land or building;
- B. The conditions especially affecting the property for which a Variance is sought which generally do not affect the zoning district in which it is located;
- C. Facts which make up a hardship to the applicant, as defined in Mass. G. L. Chapter 40A, Section 10, as amended;
- D. Facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good;
- E. Facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the zoning by-law.

SECTION 3.06 PROCEEDINGS INVOLVING "FINDINGS"

All proceedings before the Board under the provisions of Wrentham Zoning By-Laws or Mass, G. L. Chapter 40A, Section 9, as amended, involving "findings" concerning the extension or alteration of pre-existing, non-conforming structures or uses shall be governed by the procedural law and by the by-laws applicable to special permit findings.

ARTICLE IV

DISPOSITION BY THE BOARD

A decision on any hearing shall be filed with the Town Clerk within the time limits established by Chapter 40A of the General Laws of Massachusetts.

SECTION 4.01 VOTING REQUIREMENT

The concurring vote of at least four (4) sitting members shall be necessary in any action taken by the Board with respect to the granting of Variances, Special Permits and Administrative Appeals under the provisions of Mass. G. L. Chapter 40A, as amended. On all other matters, to the extent permitted by applicable law, the concurring vote of a simple majority shall be necessary to take action.

The decision of the Board on each application shall show the vote of each sitting member upon each question or, if absent or failing to vote, indicate such fact. The Board shall, in addition, set forth clearly the reason or reasons for its decision on a Variance, Special Permit or an Administrative Appeal.

SECTION 4.02 WITHDRAWAL

The applicant, without prejudice, may withdraw an application by notice in writing to the Clerk, prior to the publication of Public Hearing Notice. After publication of Public Hearing Notice, the applicant, without prejudice, may withdraw an application by notice in writing to the Clerk if at least four (4) sitting members vote in favor of the withdrawal. Any withdrawal will be recorded with the Town Clerk. If an application is withdrawn after the Public Hearing Notice has been published, the filing fee may be forfeited.

SECTION 4.03 DECISION

- A. NOTICE OF DECISION - A written notice of decision shall be mailed when the decision is filed with the Town Clerk to the parties in interest and to every person present at the hearing who requested in writing that notice be sent to him and stated the address to which such notice was to be sent.
- B. WRITTEN DECISION - All decisions of the Wrentham Zoning Board of Appeals shall be made in writing. A copy of the written decision including the detailed record shall be issued to the owner and to the applicant if other than the owner. A copy of the decision and all plans referred to in its decision shall be filed with the Planning Board and the Town Clerk within 14 days of the date of the decision. The written decision shall contain the following:
1. Case number;
 2. Date decision rendered;
 3. Name of applicant(s) and identification of the land affected;
 4. Name and address of owner if different from the applicant's;
 5. The time, date and place of the Public Hearing;
 6. Dates hearing was advertised and name of publication;
 7. Statement that "parties of interest" were notified;
 8. Brief account of the hearing to include speakers and documents presented;
 9. The vote of each sitting member upon each question;
 10. Statement setting forth compliance with the statutory requirements for the relief requested, including any conditions imposed;
 11. Disposition of the application: approved, approved with conditions, not approved, or withdrawn by the applicant. The reasons for the decision will be included.
 12. Signatures of all voting Board Members involved in the public hearing.

SECTION 4.04 TOWN CLERK CERTIFICATION

After 20 days have elapsed after the date the decision was filed with the Town Clerk, the applicant shall request the Town Clerk to certify on a copy of the decision that no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, and is recorded in the Norfolk County Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

SECTION 4.05 RECORDING

A decision for a variance and/or special permit, except for a home occupation special permit, shall not take effect until the owner or applicant records a certified copy in the Norfolk County Registry of Deeds. The owner or applicant shall pay the fee for such recording or registering. The Building Inspector shall not act upon the application until proof of recording is presented.

SECTION 4.06 RE-APPLICATION

No appeal, application or petition which has been unfavorably and finally acted upon by the Zoning Board shall be acted favorably upon within two years after the date of final unfavorable action unless the Zoning Board finds, by a vote of four sitting members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties of interest of the time and place of the proceedings when the question of such consent will be considered.

The Zoning Board will make its finding only after the Planning Board has made its finding and consented thereto. Consequently, if and when the Zoning Board makes its finding, it may then proceed directly to the issue of the revised application.

Upon receipt of the Planning Board's consent and the revised application, the Zoning Board must include in its hearing notice, in addition to what is normally required, the statement that the appeal, application or petition is a repetitive petition and that the board will be considering the question of whether there has been a specific and material change in the conditions upon which the previous unfavorable action was based.

Such changes must be specified in the record of the Zoning Board's proceedings.

SECTION 4.07 LIMITATION ON GRANTS: EXTENSIONS

If a Variance is granted by the Board, all permits necessary for the execution of the work shall be obtained and construction shall be commenced within one year from the date of the granting of the Variance, and two years from the date of the granting of the Special Permit, unless otherwise provided as a condition of the Variance or Special Permit. Reasonable extension of said time may be granted by the Board in the case of an Appeal to the Superior Court under Mass. G. L. Chapter 40A, Section 17, as amended, or for other good cause shown.

ARTICLE V

COMPREHENSIVE PERMITS

SECTION 5.01 PURPOSE AND CONTEXT

This "Article V" establishes procedures for the applications to the Board for Comprehensive Permits under the Anti-Snob Zoning Act (Chapter 777 of the Acts of 1969), MGL c.40B, s.20-23. The purpose of that act is to facilitate the development of affordable housing in the Commonwealth. This "Article V" alone is not sufficient to describe Comprehensive Permit procedures before the Board. This "Article V" must be read in conjunction with, and implemented in a manner consistent with, the complete regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00, the regulations dealing with Local Initiatives, 760 CMR 45.00, and the Guidelines for Local Review of Comprehensive Permits, published periodically by the Department of Housing and Community Development. In addition, Articles I through IV of these Rules and Regulations apply to Comprehensive Permit applications and proceedings; however, in case of any inconsistency or conflict between the provisions of Articles I through IV and this Article V, the provisions in Article V shall govern.

SECTION 5.02 APPLICATION

The application for a Comprehensive Permit shall include:

1. **PROJECT ELIGIBILITY LETTER:** No project eligibility letter shall be accepted by the Town of Wrentham unless it is issued in compliance with all published State procedures. If any such letter shall be issued that is not in compliance with such procedures, the application to the Board of Appeals shall be considered incomplete until such process has been completed. The applicant may be required at any time during the public hearing process to produce such evidence as may be required by the Board of Appeals to substantiate that all published State procedures have been satisfied and complied with.
2. **DOCUMENTATION OF SITE CONTROL** showing that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01, and amendments thereto.
 - a. The applicant shall be a public agency, a non-profit organization, or a limited dividend organization,
 - b. The project shall be fundable by a subsidizing agency under a low and moderate income housing subsidy program, and
 - c. The applicant shall control the site. Such Site Control shall include but not be limited to the following:
 - i. Proof of current ownership of any and all parcels that may constitute the proposed project site shall be provided by the applicant, including certified copies of recorded deeds and/or certificates of title for all parcels pertaining to the proposed development, establishing clear and proper title, or

- ii. Valid copies of such Offer(s) to Purchase and/or Purchase & Sale Agreement(s) and/or lease agreement(s) relating to any and all parcels that may constitute the proposed project site. The applicant shall be required to provide certified copies of recorded deeds and/or certificates of title for all parcels pertaining to such Purchase & Sale Agreement(s) relating to the proposed development, establishing clear and proper title, AND
 - iii. In all instances, if the proposed development shall include more than one parcel of land, than the applicant shall be required to produce evidence satisfactory to the Board of Appeals as to the manner in which the proposed parcels shall be merged. The Board of Appeals may not close the Public Hearing without receipt of such evidence. In no instance shall any building permit be issued until the applicant has produced evidence satisfactory to the Board of Appeals that such merger has been recorded with the Norfolk County Registry of Deeds and/or Land Court, as appropriate.
 - iv. Further, the applicant shall be required to provide a Plan of Land drawn from an on-the-ground boundary survey showing metes and bounds, prepared, stamped and signed by a Registered Land Surveyor acceptable to the Board of Appeals.
 - v. The applicant shall provide one or more independent, certified Real Estate Appraisal(s) by such appraisers as may be acceptable to the Board of Appeals for all parcel(s) relating to the proposed development. Such appraisal(s) of land shall be based upon the highest and best land use under current zoning by right.
3. EXISTING SITE CONDITIONS PLAN AND REPORT to provide a summary of conditions in the surrounding areas including but not limited to existing topography and geographic features, such as wetlands, ledge, boulders, flood zones, zoning district lines, zoning overlay districts, easements, rights-of-way, encumbrances, limitation or any other natural or imposed restriction or constraint that may affect the proposed construction or site development; the location and nature of existing buildings; existing street elevations; traffic patterns; and character of open areas, if any, in the neighborhood.
4. PRELIMINARY SUBDIVISION PLAN where a subdivision of land is involved. Such plans shall conform to the Wrentham Planning Board's Rules and Regulations Governing the Subdivision of Land, as amended.
5. PRELIMINARY SITE DEVELOPMENT PLANS showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open space areas within the site; as well as buildings on all abutting property to the proposed development including abutters separated by a public way. An applicant proposing to construct or rehabilitate four or fewer units may submit a sketch of the matters in conjunction with 760 CMR, 31.02(2)(a) and 31.02(2)(c) which need not have an architect's or engineer's signature. All projects involving five or more units must have site development plans signed by a registered architect or engineer

6. PRELIMINARY SCALED ARCHITECTURAL DRAWINGS for each building. The drawings shall be signed by a registered architect, and shall include typical floor plans, typical elevations, and sections, and shall identify construction type and exterior finish.

All architectural drawings MUST be coordinated with the Site Development Plans of the proposed project. If there is any discrepancy or inconsistency between the Site Development Plans and the Architectural Drawings submitted as respects number of units, size of units, number of rooms or other quantitative irregularities that the Board of Appeals may consider significant, the application shall be considered incomplete and may not be accepted by the Board of Appeals until any such discrepancy is resolved.

7. TABULATION OF PROPOSED BUILDINGS by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas.

Any and all rooms that may be used as a bedroom, including but not limited to studies, offices, dens or any other room not intended for use as a kitchen or living room (limited to one each), or bathroom(s), shall be counted as a bedroom for the purpose of this Tabulation. Any room that is larger than would normally be anticipated in a dwelling unit of the size proposed or that could reasonably be subdivided into a separate usable living space shall also be counted as a bedroom for the purposes of such Tabulation.

8. PRELIMINARY UTILITIES PLAN showing the proposed location and types of sewerage, drainage, and water facilities, including hydrants. All connections to utilities at the street or property line with proper separation of all such utilities must be shown.

9. PROJECT IMPACT REPORTS to include a traffic study including on-site circulation, entrances & exits, trip generation data, sight and stopping distances, existing and proposed levels of service. Impact reports detailing any effects on historical, archeological, open space, wildlife habitat, recreational resources and municipal services (including public safety, water supply, sewage treatment) as well as any construction impacts (including noise, dust, erosion/siltation, potential releases). Timetables for the project including a construction start and finish date

10. List of REQUESTED EXEMPTIONS AND/OR WAIVERS to local requirements and regulations, including local codes, ordinances, by-laws or regulations. As specified in 760 CMR 31.05(3), it is the responsibility of the applicant to demonstrate the manner in which the denial of any exemption requested will negatively impact the financial feasibility of the proposed project.

11. PROJECT FINANCIAL PRO FORMA: The pro forma shall be prepared by a certified public accountant experienced in construction development and signed by the applicant under penalties of perjury. All financial data submitted by the applicant is subject to technical review.

- 12. DEVELOPER'S PROFILE including experience and qualifications to successfully complete proposed project shall be required of all applicants financed through the New England Fund or other Non-Government Entity.
- 13. A certified ABUTTERS' LIST
- 14. FILING FEE and TECHNICAL REVIEW ESCROW

Twenty complete application packets are required to be submitted. The Board requests an electronic copy of the application. The planned distribution of copies of the application is as follows:

- 1 Town Clerk
- 1 Assessor
- 0 Wrentham Housing Authority, notification only
-
- 1 Board of Selectmen
- 1 Police Department
- 1 Fire Department
- 1 Department of Public Works
-
- 1 Building Inspector
- 1 Planning Board
- 1 Board of Health
- 1 Conservation Commission
-
- 9 Zoning Board of Appeals
- 1 Technical Review Consultants
- 0 Historical Commission, normally notification only

SECTION 5.03 FILING FEES

Cash or check, payable to the Town of Wrentham, in the amount \$750 plus \$10 per unit, shall accompany the application.

SECTION 5.04 TECHNICAL REVIEW ESCROW and CONSULTANTS

The escrow for technical review fees is intended to cover the Town's cost of hiring consultants, including but not limited to engineers, landscape architects, architects, legal counsel, financial, real estate, and/or other professionals to review the project. The initial escrow deposit amount required for a Comprehensive Permit shall be \$20,000.00 and may be adjusted by vote of the Board of Appeals. Whenever the account falls below 50% of the requirement set by the Board, the applicant must deposit an additional amount sufficient to return the account to the required level.

Any unexpended monies in the escrow account may be returned to the applicant only after all obligations are satisfied. Failure to fulfill escrow requirements may constitute an incomplete application and be considered sufficient grounds for denial of said application.

CHANGE IN ESCROW REQUIREMENTS: Any reduction or increase in the escrow amount must be approved by majority vote of the Board of Appeals. The applicant may appeal the escrow requirements in writing to the Board of Appeals at the time the application is submitted, stating the reasons for such appeal. The requested escrow change shall be the first order of business prior to opening the Public Hearing. Any reduction in the escrow requirement approved by majority vote of the Board of Appeals shall be refunded to the applicant as soon as practicable. The full escrow requirement must be submitted with the application.

NONCOMPLIANCE WITH ESCROW REQUIREMENTS: The Public Hearing shall be suspended until such time as the escrow requirement is met.

CONSULTANT SELECTION: All Professional Engineers, Land Surveyors, Landscape Architects and other similar professionals shall hold a valid license issued by the Commonwealth of Massachusetts. Technical Review Consultants engaged on behalf of the Town of Wrentham shall be paid from Technical Review Escrow funds. Such consultants shall be chosen in accordance with applicable provisions of MGL c. 30B s.1-19 and c. 44 s.53G.

APPEAL OF CONSULTANT SELECTION: The applicant may appeal the selection of the consultant to the Board of Selectmen.

1. The grounds for any such appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.
2. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.
3. The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

SECTION 5.05 **NOTICE**

Upon receipt of the application, the Board shall promptly notify each local official or local board (defined below) of the application by sending such official or board a complete application and/or a list of the requested exemptions or waivers.

Based on that list, the Board shall also invite the advice and recommendations of each local official or local board who would have participated in the permitting or approval of the project if the project had not involved a Comprehensive Permit by providing such official or board with a copy of the entire application. The Board, in making its decision, shall take into consideration the recommendations of local officials and local boards. Local officials or local boards to which the application materials have been distributed shall review them and report on that review to the Board of Appeals. Local official or local board means: Board of Health, Planning Board, Conservation Commission, Historic Commission, Wrentham Housing Authority, Fire, Police, Department of Public Works, Building Inspector, and Board of Selectmen.

SECTION 5.06 PUBLIC HEARING AND DECISION

The Board shall hold a Public Hearing on the application within thirty days of its receipt. The hearing will be considered to have been closed, when all public testimony has been received and all information requested by the Board has been received. The Board shall render a decision, based on the majority vote of sitting members, within forty days after termination of the Public Hearing, unless such time period is extended by written agreement between the Board and the applicant.

The Board may act on the application by:

- a. approving the application on the terms and conditions set forth in the application, or
- b. denying the application as not being consistent with local needs, or
- c. granting the application with conditions with respect to height, site plan, size, shape or building materials that do not render the construction or operation of the project uneconomic and that are consistent with local needs.

SECTION 5.07 APPEALS

- A. APPEAL OF GRANT OF APPLICATION - If the Board grants the application, any person aggrieved by the issuance of the Comprehensive Permit or approval may appeal within the time period and to a court as provided in MGL c.40A, s.17, as amended.
- B. APPEAL OF DENIAL OR GRANT OF THE APPLICATION WITH CONDITIONS - If the Board denies the Comprehensive Permit or grants with conditions or requirements considered unacceptable to the applicant, the applicant may appeal to the Housing Appeals Committee as provided in MGL c.40B, s.22.

ARTICLE VI

POLICIES AND ADVICE

- A. Any advice, opinion, or information given by any Board member, or any other official or employee of the Town of Wrentham shall not be binding on the Board. It is declared to be the policy of the Board to discourage any personal appeals to members of the Zoning Board of Appeals.
- B. The Zoning Board of Appeals may use E-Mail to supplement other forms of communication among its members and town counsel. E-Mail will be restricted to the use of routine administrative matters such as writing of legal advertisement of hearings for newspapers, seeking and receiving legal advice from town counsel, sharing of legal cases found on the Web, sharing of initial drafts of proposed changes to administrative procedures, distributing and revising minutes, distributing results of fact-finding before the closing of a public hearing, writing of decisions that have been already made in a public meeting, etc.

No discussions will be conducted using E-mail; neither discussions of general business nor discussions of any aspect of public hearings will be conducted using E-mail. After the public hearing is closed, only matters pertaining to the writing of the decision, previously made in a public meeting, may be communicated with E-mail. All E-mail among members of the board must be copied to the secretary to facilitate his/her providing a written record. The secretary will print all E-mail that he/she sends or receives to be presented at the next public meeting for inclusion in the record of the board's actions. The members of the Zoning Board of Appeals will always abide by the intent of the Open Meeting Law to hear all evidence and make all decisions in a public meeting. No opinions will be distributed using E-mail.

ARTICLE VII

AMENDMENTS TO RULES AND REGULATIONS

These regulations may be amended by majority vote of the Board at any public meeting of the Board, provided that the proposed amendment is posted with notice of the meeting at least 7 days in advance. Any requirement of these regulations may be waived by a majority vote of the Board with respect to any particular application if there is good cause to do so.

These regulations are intended for the convenience of the Board and to assist it in the conduct of its duties, and are not intended to create substantive rights. Failure of the Board to comply with any of these rules and regulations shall not act to invalidate any decision made by the Board with respect to any application or appeal.

ARTICLE VII

ADOPTION

The foregoing Rules and Regulations are hereby adopted this 24th day of June, 2015, by the Wrentham Zoning Board of Appeals; all former "Rules and Regulations" of this Board are hereby replaced.

The Wrentham Zoning Board of Appeals

Gregory Sexton, Chairman

Keith Langer, Vice Chairman

Leo E. Immonen, Clerk

Gerald Danca, Member

Shawn Gough, Member

John Redman, Associate Member

Bill Casbarra, Associate Member

Walter Pelrine, Associate Member