

**TOWN OF CANTON
ZONING BY-LAW BOARD OF APPEAL**

RULES OF PROCEDURE

The following rules of procedure are established and shall be adhered to as delineated below:

- 1.0 Proceedings: All proceedings of the Board shall comply with applicable State and local statutes and by-laws.
- 2.0 Open Meetings: All meetings shall comply with provisions of the Open Meeting Law. Meetings generally fall into one of the following two categories:
 - 2.1 Public Hearings: Public hearings are formal meetings at which petitioners seek approval of variances, site plans, special permits or combinations thereof. Public hearings shall be duly advertised and noticed as prescribed by State and local statutes. They shall follow generally the following format:
 - a. Petitioner or authorized agent shall present the facts of the case.
 - b. The Board shall ask any questions deemed feasible and seek clarification of issues.
 - c. Those in the assembly who wish to speak in favor of the petition shall be allowed to do so.
 - d. Those in the assembly who wish to speak in opposition to the petition shall be allowed to do so.
 - e. A general discussion period may follow during which additional questions may be asked, or clarifications and rebuttals or arguments may be entertained.
 - f. There shall be no specific time limit set for discussions; however, the Chairman shall reserve the right to guide and limit discussions with reasonable legal constraints and duration. When, in the opinion of the Board, an issue has been adequately addressed, and where redundancy will not add significantly to the meeting, the

Chairman may so indicate and terminate further discussion regarding that item.

- 2.2 Business Meetings: The Board shall meet at times and dates to be determined for the conduct of normal business, including but not necessarily limited to:
- a. Review and deciding on petitions.
 - b. Discussions of budgets and Board finances.
 - c. Decision writing, signing and distribution.
 - d. Informal discussions with other boards , agencies, commissions, petitioners or interested parties regarding past or pending cases.
 - e. Any other pertinent business.

These meetings shall be duly posted in the office of the Town Clerk and, if desired, in any other properly conspicuous place, with the statutory time preceding such meeting.

- 3.0 Notices: All notices prescribed by State and local statute shall be posted before and after each hearing.
- 4.0 Decisions: A written decision shall be prepared describing the pertinent facts regarding each decision and shall include the Board's decision and reasons for such decision. Copies shall be distributed to, but not necessarily limited to, the Town Clerk (original), Selectmen, Building Commissioner, Planning Board and Petitioner. In addition, two copies shall be retained in the Board's file and copies may be distributed to other Town agencies, such as the Department of Public Works, Board of Health, Town Counsel, etc., when deemed feasible by the Board. Copies may be included upon request for agencies other than the Town boards or commissions such as the Industrial Development Commission, Canton Association of Industries, civic groups or citizens.
- 5.0 Field Trips: The Board may, at its discretion, and with prior posted notice, visit sites for the purpose of first hand observation of lands, buildings or other related items having bearing on the ultimate decision by the Board. The Board may invite anyone to join in the visit who, in its opinion, can provide information regarding the locus or other items having a bearing on the case.

- 6.0 Use of Experts: The Board, at its discretion, may seek the assistance of experts in specific areas where deemed necessary in the process of making decisions, for the clarification of issues, points of law, or other technical input.
- 7.0 Minutes: Minutes of all meetings and field trips shall be recorded by the Clerk of the Board, or the Secretary of the Board, or both. Copies shall be maintained in a file established by each petition and shall be kept in the Board's files.
- 8.0 Member's Responsibilities: The chairman shall conduct all meetings and may call meetings at his discretion subject to requirements for open meeting law. In the absence of the Chairman, the Clerk shall assume responsibilities thereof. In the absence of both the Chairman and the Clerk, the other regular members of the Board shall assume the responsibilities of both.
- 9.0 Associate Members: In the absence of one or more regular members, any alternate(s) shall be seated at regular hearings. He/she shall assume the full responsibilities and duties of a regular member for the duration of the case.
- 10.0 Approval of Bills: Signatures of one member of the Board are required to authorize payment of bills and fees.
- 11.0 Annual Report: An annual report shall be provided for the inclusion in the Town Report. It shall include all significant events occurring during the preceding year.
- 12.0 Meeting Schedule: Petitions for variances, special permits, site plan approvals or combinations thereof shall be scheduled for public hearings on the second and fourth Thursdays of each month or on any other legal date at the discretion of the Board. Business meetings are generally scheduled on alternate Thursdays. Field trips may be taken at random at the discretion of the Board. The Board reserves the right to change, modify or amend its schedule of meetings at its discretion all subject to the requirements of the open meeting law.
- 13.0 Meeting Times: Formal hearings regarding petitions for variances, site plan approvals and special permits are generally scheduled at fifteen minute intervals commencing at 7:15 p.m. Business meetings, informal conferences and field trips may begin at times to be determined by the Board. The Board reserves the right to modify, amend, change or establish meetings at its discretion, subject to the posting of statutory notice.

These rules of procedure are hereby adopted effective this day of August 2001.

Paul B. Carroll
Chairman

James F. Fitzgerald, Jr.
Clerk

Alan M. Leary
Member

Robert J. Quigley
Alternate Member

Charles J. Armando
Alternate Member