

ZONING BOARD OF APPEALS  
WELLESLEY, MASSACHUSETTS

RULES AND REGULATIONS

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Pursuant to the provisions of Massachusetts General Laws, Chapter 40A Section 12 and Chapter 40B, Sections 21-23, and the Wellesley Zoning Bylaw, for the purpose of establishing uniform procedures for conducting the business of the Wellesley Zoning Board of Appeals (hereinafter, the "Board") which, in general, but without limitation, shall consist of hearing and acting upon all applications, appeals and petitions coming under its jurisdiction as either a permit granting authority or a special permit granting authority, the Board, acting as a quasi-judicial board, hereby adopts the following rules:

Article I – Organization

Section 1: Members and Officers

The Board shall consist of three regular and three associate members, each of whom has been appointed by the Board of Selectmen for a term not to exceed three years. A majority of all six members must vote favorably to elect each officer and the members shall elect the officers of the Board annually, which shall include the Chair and the Vice-Chair. The election shall occur at the first meeting in July, or at the earliest possible meeting thereafter when the entire Board is present.

Section 2: The Chair – Powers and Duties

The Chair shall preside at all public meetings of the Board. He or she shall vote and be recorded on all matters coming before the Board at such public meetings. He or she shall decide on all points of order, unless overruled by a majority of the members sitting. He or she shall oversee the work of the Executive Secretary, request necessary help and exercise general supervisory power.

Section 3: The Vice-Chair – Duties

In the absence, inability to act or apparent conflict of interest on the part of the Chair, the Vice-Chair shall perform the duties of the Chair.

Section 4: Associate Members

Associate members shall sit on the cases before the Board as part of a regularly scheduled rotation of the members, or in the case of absence, inability to act, or apparent conflict of interest on the part of any Board member.

Section 5: Quorum

Three members shall constitute a quorum for consideration of any application for a special permit/finding, special permit or variance; appeals from the decisions of administrative officials; or petitions for site plan approvals or comprehensive permits. Only those members who have participated in all public hearings for an application, appeal, or petition may act upon that application, appeal or petition. Pursuant to MGL Ch. 39, Section 23D, a member shall not be disqualified from voting on the matter at a public hearing solely due to that member's absence from no more than a single session of the public hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he or she has examined all evidence received at the missed session, which evidence shall include an audio or video recording

of the missed session or a transcript thereof.

#### Section 6: Resignations

If a regular member or an associate member resigns from the Board, the resignation shall be submitted in writing to the Chair of the Board of Selectmen and a copy shall be provided to the Town Clerk and to the Executive Secretary. Subject to any applicable restrictions relating to the terms of the appointment of the individual, the resignation may specify a future effective date, so as to allow completion of any pending cases in which the member has participated.

#### Section 7: Executive Secretary – Duties

The Executive Secretary and other staff of the Board from time to time shall be subject to the direction of the Board and its Chair, shall undertake all of the clerical work of the Board including all correspondence of the Board, sending all notices required by law and the rules and orders of the Board, prepare all application forms, receive and scrutinize all petitions and applications for compliance with the rules of the Board, prepare dockets, keep minutes of the Board's proceedings, compile all required records, draft all required decisions, maintain necessary files and indices and, unless waived by the Chair, read the legal notices at all Public Hearings. For all matters pending before the Board, the Executive Secretary shall be the only proper point of contact with the public when the Board is not in session.

### Article II – Functions of the Board

#### Section 1: Public Hearings

The Board shall hold public hearings on all (1) applications for variances, special permit/findings, special permits; (2) appeals from decisions of the Building Inspector; (3) petitions for site plan approvals<sup>1</sup> or comprehensive permits; or (4) actions as otherwise authorized by the Zoning Bylaw. The Chair, after consultation with the Executive Secretary and the members, shall appoint three members as a panel to hear all evidence, deliberate, and decide all matters at each of the public hearings. All public hearings shall be open to the public, and the public is encouraged to bring relevant issues to the attention of the Board, whether in writing prior to the public hearing or orally at the public hearing, provided that such questions and comments are directed to the Board and not to the applicant, appellant or petitioner. The presiding officer at each public hearing (hereinafter, the "Acting Chair") may exclude any person from the public hearing that he or she deems to be a serious hindrance to the orderly workings of the Board. The use of cell telephones or other electronic communication devices is prohibited at all public hearings.

The Acting Chair at the public hearing shall be the Chair, if the Chair is appointed to the panel, the Vice Chair if the Chair is not empaneled, and the senior member of the panel if neither the Chair nor the Vice Chair is empaneled, unless otherwise agreed by the panel members.

Applications for variances, special permit/findings, special permits and appeals are heard at a public hearing separate from the public hearing of petitions for site plan approvals and comprehensive permits. The agenda for the former shall generally be limited to a maximum of ten petitions, provided that the Chair, after consultation with the Executive Secretary about the nature

<sup>1</sup> Site plan approvals are treated in two different ways under the Zoning Bylaw, depending on whether they arise under Section 3.6 or Section 5.6.

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and complexity of the cases on the agenda, may increase or decrease the number of cases to be heard in any public hearing. All meetings shall be recorded electronically and written minutes shall be prepared by the Executive Secretary.

#### Section 2: Hearing Schedule

Regular meetings of the Board, comprised of public hearings for the applications for variances, special permit/findings, special permits and appeals, shall be held as necessary on the first Thursday of each month at 7:30 p.m. in the designated room at the Wellesley Town Hall, provided that the meeting schedule may be altered to accommodate holidays, election days, or other events that could materially interfere with the availability of Board members or interested parties. The regular meeting schedule for a calendar year, along with application submittal dates, shall be adopted by the Board each December and shall be posted publicly on the Board's website (<http://wellesleyma.gov/DocumentCenter/View/12485/2020-Hearing-Schedule-PDF>).

Special meetings of the Board, comprised of public hearings for the petitions for Site Plan Approval under Section 3.6 or 5.6 of the Zoning Bylaw, and for comprehensive permits under Mass General Laws Chapter 40B shall be opened on a date that complies with the governing legislation, and shall be continued, if required, to a date certain agreed to by the Board and the petitioner, provided that such public hearings generally shall not be held concurrently with regular meetings.

While the Board anticipates that its public hearings and public meetings will be held in a physical location in Town-owned facilities, the Board reserves the right to schedule and hold remote, electronic meetings, to the extent allowed by Massachusetts General Laws, and provided that requirements for public notice are met, and provided further that for public hearings, an electronic mechanism is provided to receive comments and questions from the interested public.

#### Section 3: Notice of Public Hearings

Notice of public hearings shall be advertised in accordance with Mass General Laws, Chapter 40A, Section 11. In addition, a copy of the advertised notice shall be sent by mail so that the postmark date is at least 14 days prior to the date of the hearing to all parties in interest, including the property owner, the petitioner (if different), abutters, owners of land within 300 feet of the property line, all as they appear on the most recent tax list, the Town Clerk, the Planning Board, the Inspector of Buildings, the Planning Boards of every abutting City or Town, and all other relevant Town Departments and Boards. In the event that the Board finds it convenient or necessary to continue a public hearing, such continuance shall be made by unanimous vote to a date certain without further notice to parties in interest.

#### Section 4: Representation and Absence

An applicant, appellant or petitioner shall appear in his/her behalf, or be represented by an agent or attorney. In the absence of any appearance with or without written explanation by the applicant, appellant or petitioner, the Board shall decide on the matter using the information it has received, vote unanimously to continue the hearing, or decide by unanimous vote that the petition be denied.

#### Section 5: Order of Business

- a. Call to order and explanation of procedures by the Acting Chair

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- b. Waiver of the reading of the legal notice by the Executive Secretary, unless requested by two members
- c. Applicant's presentation
- d. Questions by the Board members
- e. Comments and/or questions from the public<sup>2</sup>
- f. Applicant's response, if any
- g. Reading of the recommendations of the Planning Board, if provided.

At the discretion of the Acting Chair, any witness may be sworn prior to providing testimony.

#### Section 6: Advisory Reports

For any application or petition for a variance, special permit/finding, special permit, Site Plan Approval or comprehensive permit for which the Board has distributed such application and the supporting materials to the Planning Board, the Board of Health, the Town Engineer, the Wetlands Protection Committee or any other Town board or agency, such board or agency shall make such recommendations as it deems appropriate, and shall send copies to the Board within 35 days after receipt of copies of the application or petition. All board advisory report and/or recommendations shall indicate the vote by which the board adopted such report, or note that such report is the work of staff.

#### Section 7: Peer Reviews

For any application or petition, the Board may request the services of an outside consultant to conduct a peer review for any part of an application for which qualified Town resources are not available, or there is a need for a specialized review by a qualified expert in the field. The Board shall determine the scope of the engagement, including preparation of a peer review report and presentation to the Board, and the applicant or petitioner shall be required to pay for such services. Peer review processes and procedures shall be in accordance with Mass General Law Chapter 44 Section 53G.

#### Section 8: Disposition by the Board

The unanimous vote of all sitting members of the Board is necessary in granting variances, special permit/findings, special permits, appeals, site plan approvals and comprehensive permits. The Board shall set forth its reasons for its decision and any conditions to which the decision may be subject. Once the decision is voted upon and the public hearing adjourned, reconsideration may occur only during a duly-constituted public hearing.

#### Section 9: Filing and Recording of Decisions

Decisions rendered by the Board are final only when written, signed either by each sitting Board member, or if so authorized in the approval motion, by the Executive Secretary as a representative of the Board, and filed with the Town Clerk. The decision shall not take effect until (1) a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision

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<sup>2</sup> The purpose of questions from the public is to inform the Board as to what issues the public deems important, and not necessarily for the Board or the applicant to provide answers to those questions. At its discretion the Board may provide answers or may ask the applicant to provide such answers.

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has been filed in the office of the Town Clerk and either that no appeal has been filed; or an appeal has been filed within such time, and (2) the decision is recorded in the Norfolk County Registry of Deeds. The person exercising rights under a duly appealed decision does so at risk that a court will reverse the decision and that any construction performed under the decision may be ordered undone.

The applicant, appellant or petitioner bears the responsibility and cost for recording of the decision granted by the Board at the Norfolk Registry of Deeds.

#### Section 10: Withdrawal

Any application may be withdrawn without prejudice by notice in writing to the Executive Secretary at any time prior to publication of the legal notice of the public hearing in the newspaper. Requests to withdraw without prejudice after publication of the legal notice must also be made in writing to the Executive Secretary, but shall require approval by unanimous vote of the Board.

#### Section 11: Public Meetings

Public meetings may be held at the order of the Chair or at the request of three members of the Board. Public meetings shall be conducted in accordance with Mass General Laws, Chapter 39, Section 23. Notice for each public meeting shall be filed with the Town Clerk and a copy of said notice shall be posted publicly on the official bulletin board in the Town Hall or on the Town's official website (<https://wellesleyma.gov/Agendas & Meetings/Zoning-Board of Appeals>) at least 48 hours prior to the meeting. Public meetings, while open to public observation, are not public hearings in which the public is allowed to participate.

#### Section 12: Site Visits

The Board members and/or the administrative staff, at their own discretion, may individually conduct a site visit to the subject property of the application, appeal or petition to include access to the property but not within any residence or building. The applicant, appellant or petitioner shall accommodate such site visit, and any refusal on the part of the applicant, appellant or petitioner may result in the denial Board continuing the application, appeal or petition to a subsequent public hearing the date of which is conditioned upon the completion of the site visit, or at the sole discretion of the Board, consideration of the application, appeal or petition without such site visit. In the event that the appellant is not the owner of the property that is the subject of an appeal, the appellant and the Board shall work in good faith to secure access to the property for such site visit. In the event of a scheduled site visit under Section 3.6 of the Zoning Bylaw, no deliberations or decisions shall be made by the Board on such site visit that would conflict with the provisions of the Open Meeting Law.

### Article III – Applications to the Board

Note: All reference to "days" shall mean "calendar" days, unless otherwise stated.

#### Section 1: Filing of Applications

Before an application, appeal, or petition will be advertised and heard, complete copies of the appropriate official application form, together with a filing fee and such other information and plans as required by the Board (as shown on the Board's website [<https://wellesleyma.gov/531/Application-Forms-Instructions>]), shall be filed in the office of the Board, or on-line at (zba@wellesleyma.gov). The Executive Secretary shall file all applications,

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plans and other submission material with the Town Clerk. All applications shall be submitted to the office of the Board at least 36 days prior to the date of the Public Hearing. If the application is incomplete, or the agenda for the next regular meeting has been closed, the application will be heard at the next regularly scheduled public hearing with an open agenda.

## Section 2: Types of Applications

- a. Variances – The Board shall hold a public hearing for which notice has been given on any application for a variance, or amendment of an existing variance, within 65 days from the date of filing such application. The decision of the Board shall be made within 100 days from the date of filing the application with the Town Clerk. Failure by the Board to act within the prescribed time or extended time shall be deemed a grant of the variance or amendment.

If the rights authorized by a variance or amendment are not exercised within one year of the date of such grant, the variance or amendment shall lapse and may be re-established only after notice and a new public hearing, or after any extension permitted by statute.

- b. Special Permit/Findings, Special Permits -The Board shall hold a Public Hearing for which notice has been given on any application for a Special Permit/Finding or a Special Permit within 65 days from the date of filing such application. The decision of the Board shall be made within 90 days following a public hearing for which notice has been given. Failure by the Board to act within the prescribed time or extended time shall be deemed a grant of the Special Permit/Finding or Special Permit.

Substantial use or construction authorized by Special Permit/Findings or Special Permits must commence within two years of filing of the decision with the Town Clerk.

- c. Appeals from the decision of any Administrative Officer -Any appeal taken under MGL Chapter 40(A) Section 8 and/or Section 24(C) of the Zoning Bylaw must be taken within 30 days from the date of the order or decision of the Administrative Officer being appealed. The petitioner shall file the application for appeal with the Town Clerk, specifying the grounds for the appeal. The Town Clerk shall, within two business days, transmit copies to the administrative officer or board whose order or decision is being appealed and to the Board. Said administrative officer shall, within seven days, transmit to the Board copies of all documents and papers constituting a record of the case in which the appeal is taken. Before an appeal will be advertised and heard, a complete copy of the appeal, together with such information prescribed by the Board, shall have been filed in the office of the Town Clerk.

The Board shall hold a public hearing for which notice has been given within 65 days from the date of filing of the appeal. The decision of the Board shall be made within 100 days of the date of filing the appeal with the Town Clerk. The required time limits for a public hearing and said action may be extended by written agreement between the appellant and the Board. A copy of said agreement shall be filed in the office of the Town Clerk. Failure of the Board to act within the prescribed time limits or extended time shall be deemed a grant of the appeal.

d. Site Plan Approvals for Major Construction Projects – No petition for Site Plan Approval, except one filed under Section 3.6 of the Zoning Bylaw, shall be submitted to the Board prior to review by the Design Review Board. No application for Site Plan Approval, except one filed under Section 3.6 of the Zoning Bylaw, deemed to be a Project of Significant Impact shall be submitted to the Board prior to the expiration date of appeal from the Special Permit granted by the Planning Board.

Plans and all other submission materials submitted to the Board shall be filed in accordance with the Process Schedule for Site Plan Approval Projects available at the Board's office or on the Board's website (<https://wellesleyma.gov/DocumentCenter/View/1261/Site-PlanApproval-PDF>). Within seven days after the date of filing of the petition in the office of the Town Clerk, copies of the complete submitted petition shall be sent to the Board of Health, Planning Board, Design Review Board, Town Engineer, Wetlands Protection Committee, Fire Department and any other Town agencies or boards designated by the Board for review and preparation of written recommendations to the Board and the petitioner prior to the public hearing. Said written recommendations shall be attached to and become part of the petition.

For a petition for Site Plan Approval filed under Section 5.6 and Section 6.3 of the Zoning Bylaw, the Board shall hold a Public Hearing for which notice has been given within 65 days from the date of filing such petition. The decision of the Board shall be made within 90 days following a public hearing for which notice has been given. No building permit or parking plan permit shall be issued by the Inspector of Buildings without the written approval of plans as herein provided. Failure by the Board to act within the prescribed time or extended time, shall be deemed a grant of the Site Plan Approval.

For a petition for a Site Plan Approval filed under Section 3.6 of the Zoning By law, the Board shall hold a public hearing for which notice has been given. The decision of the Board shall be made within 120 days or extended time of the date of filing, Failure of the Board to take action within the prescribed time or extended time shall be deemed a grant of Site Approval.

Substantial use or construction authorized by Site Plan Approvals must commence within two years of filing of the decision with the Town Clerk.

e. Comprehensive Permits – Any public agency, limited dividend or nonprofit organization proposing to build low-or moderate-income housing may submit a single petition to the Board in lieu of separate applications to other applicable boards. The Board shall transmit a copy of the petition to each of the boards or departments noted in Section 3.d. of these Rules and Regulations.

The Board shall open a public hearing within 30 days of receipt of the petition, and shall close the public hearing within 180 days of opening, unless extended by mutual agreement with the petitioner. The Board will render a decision within 40 days after the termination of the public hearing. If the public hearing has not convened or the decision is not rendered within the time allowed, unless extended by mutual agreement between the Board and the petitioner, the petition shall be deemed to have been allowed and the comprehensive permit

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shall issue. The time limits for exercising the comprehensive permit shall be determined by law or by condition of the permit.

### Section 3: Application Requirements

All applications must include the application form appropriate for the relief sought. All application forms are available in the office of the Board or on the Board's website (<https://wellesleyma.gov/531/Application-Forms>).

#### Variances

- a. The Board has the authority to grant variances pursuant to M.G.L. Ch. 40A, Section 10, and Section 6.2 D of the Zoning Bylaw, where owning to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the applicant, and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent and purpose of the bylaw. A written statement including a description of the circumstances especially affecting the property for which a variance is sought which do not generally affect the zoning district in which it is located; and facts which support the conclusion that substantial hardship, financial or otherwise, would result from literal enforcement of the applicable zoning restrictions with respect to the land or building for which the variance is sought must be submitted with the application.
- b. Five copies of a Certified Plot Plan drawn by a Registered Land Surveyor, of recent date, stamped, signed and dated, on an 8 ½ inch by 11 inch or 11 inch by 17 inch paper on a scale of 1" = 20 feet, indicating the following:
  - Address, square footage of the lot, and area district in which property is located
  - Names of abutting streets
  - All existing structures on the lot with relevant setbacks from the affected lot lines
  - Dimensions of the proposed addition or structure including bay windows and chimneys and all relevant setbacks
  - Required setback lines for the district
  - Driveways
  - Side-facing garages, location of garage doors, and relevant setbacks
  - Where, within a distance of 500 feet, three or more dwellings are set back more than 30 feet from the property line, the front setback of all affected dwellings, including the property for which relief is requested
  - All easements, streams and/or wetland areas
  - Existing and proposed percentage of lot coverage
  - Existing and proposed maximum building coverage expressed in square feet
  - Compass rose
  - Graphic scale
  - Topographic contours (one-foot intervals), provided that total relief at site is four feet or more

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- c. Five copies of all construction plans, which shall be no larger than 11 inches by 17 inches, and which shall include the following:
  - Name of designer
  - Date of plan design
  - Name and address of applicant
  - Existing and proposed floor plans for all floors affected by the proposed structure.
  - Existing and proposed elevation drawings of all sides of the structure affected by the proposed structure
  - Height of proposed ridgeline from average ground level surrounding the structure, if the proposed addition includes one or more stories
- d. Photographs including one of the front of the main dwelling, and all sides of the structure affected by the proposed construction

Special Permit/Findings

- a. A written statement providing facts that, should the Board conclude that said alteration/addition shall intensify or add to the existing nonconformance, the addition/alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

b., c. and d. -See requirements for variances.

Special Permits

- a. All requirements listed on the individual Submission Requirements sheets available in the office of the Board or on the Board's website (<https://wellesleyma.gov/531/Application-Forms>).

Site Plan Approval

- a. All plans and information as requested on the Site Plan Approval Review/Plans and Submittal Checklist available in the office of the Board or on the Board's website (<https://wellesleyma.gov/531/Application-Forms>).
- b. Official Development Prospectus available in the office of the Board or on the Board's website (<https://wellesleyma.gov/531/Application-Forms>).

Comprehensive Permit

- a. All plans and information required pursuant to Chapter 40B, Section 21.

Section 4: Filing Fees

- a. The current filing fees, which may be amended by a unanimous vote of the Board at any future time, are as follows:

Relief Sought	Residential	Commercial & Municipal
Variances and Special Permit/Findings	\$200	
Special Permit	\$200	\$500
Special Permit/Finding	\$200	
Special Permit Renewals	\$150	
Signs		\$300

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Site Plan Approval (without PSI)		\$2,000 <sup>3</sup>
Site Plan Approval (with PSI Appeals)		\$3,500
Publication & Mailing Fees (all projects)	\$25	\$25

b. Should the Board elect to have a peer review, the petitioner shall assume all costs of said peer review.

#### Section 5: Document Submittal After Application

Should any person or party, including members of the public, desire for any written material, including legal arguments or positions, to be considered by the Board in connection with any application, appeal, or petition before the Board, such material, including any desired changes to the required submittal materials described above, shall be submitted to the Executive Secretary (and not Board members) not later than seven days prior to the opening of the public hearing on the application, appeal, or petition. Such material may be delivered in hardcopy to the office of the Board, in electronic format via attachment to an email delivered to the Executive Secretary, or uploaded and attached to the electronic version of the application, appeal or petition on the Board's website. New or changed materials submitted to the Board during the seven days prior to the opening of the public hearing may, at the discretion of the Board, be considered as a normal part of the public hearing, or be the grounds for a continuation of the public hearing to the next available regular meeting date of the Board, or be the basis for a denial of the application, appeal or petition.

### Article IV – Decisions by the Board

#### Section 1: Deliberation

At the close of the public hearing of each petition, the Board shall deliberate. At the conclusion of the deliberation, a motion shall be made and seconded to approve the relief requested. A vote on the motion shall be taken unless the Board, by a unanimous vote, has continued the hearing to a future date, at which time a vote shall be taken, or has accepted a request from the applicant, and voted to allow the applicant to withdraw its application with or without prejudice.

#### Section 2: Voting Requirements

The concurring vote of all three Board members of the sitting panel shall be necessary to decide in favor of the applicant on any matter legally coming under the jurisdiction of the Board. If one or more members vote not to grant the relief requested, the petition or appeal shall be deemed to be denied.

#### Section 3: Reconsideration

Once a petition or appeal has been unfavorably voted upon and the public hearing adjourned, there shall be no reconsideration without a duly noticed public rehearing.

#### Section 4: Repetitive Petition

In order to have any petition or application, which has been unfavorably acted upon by the Board, reconsidered by the Board within two years from the date of the unfavorable action, the petitioner

<sup>3</sup> Plus Fire Department consulting fee.

must follow the procedure outlined in Section 6.2 (E)(5) or Section 6.3 (C) of the Zoning Bylaw.

In all cases in which the Board has allowed the petitioner to withdraw without prejudice, the petitioner has the right to return to the Board with a new petition at any future hearing.

#### Section 5: Notices of Decisions

Notices of decisions shall be sent to all parties receiving a Notice of Public Hearing.

Copies of each decision shall be sent to the Planning Board, the Inspector of Buildings and any other board or department involved in the original application, appeal or petition.

#### Section 6: Recording of Decisions

No decision shall take effect until the Town Clerk has certified that no appeal to the decision has been taken, and, subsequent to this certification, the applicant has filed the decision with the Norfolk Registry of Deeds at the applicant's expense, and copies of the Recording filed with the office of the Town Clerk, the office of the Board, and the office of the Inspector of Buildings.

#### Section 7: Modifications After Decisions

Prior to the time that the Board's decision is filed with the Town Clerk, the Board retains jurisdiction to reconsider, revoke, and remake its decision in accordance with its Rules and Regulations and the Zoning Bylaw, subject to open meeting law requirements and to the limitations of the Zoning Act.

After the decision has been filed with the Town Clerk, the Board has the power, without further public hearing, to correct an inadvertent or clerical error in its decision so that the record reflects the correct intention of the Board. Requests from the applicant, appellant, or petitioner for modifications or changes to the language, terms or conditions of previously granted permits, or to the site plans or documents attached thereto shall be heard at a public hearing unless the Board determines by unanimous vote in a public meeting that such modifications or changes: (1) do not constitute a reversal of a conscious decision; (2) do not grant relief different from that originally sought; (3) do not change the result of the original decision; and (4) do not prejudice anyone relying on the original decision. Such modifications or changes approved by a unanimous vote shall constitute an amendment to the original permit or decision.

### Article V – Miscellaneous Provisions

#### Section 1: Adoption of Rules

These Rules and Regulations shall become effective upon adoption by the Board and upon filing a copy thereof with the Town Clerk.

#### Section 2: Amendment of Rules

These rules may be amended from time to time, as necessary and proper, by a unanimous vote of the Board.

#### Section 3: Waiver of Rules and Regulations

At any public hearing for an application, appeal or petition, at the sole discretion of the sitting members, such members may by unanimous vote waive any inconvenient rule or regulation for that application, appeal or petition.

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AS APPROVED BY THE ZONING BOARD OF APPEALS ON SEPTEMBER 7, 2023

ZONING BOARD OF APPEALS

J. Randolph Becker, Chair

Robert W. Levy, Vice-Chair

David G. Sheffield

Walter G. Adams

Derek B. Redgate

Peter Covo

Last Revised on: September 7, 2023

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