

Section 10**BOARD OF APPEALS****(A) Appointments**

(As Amended Dec. 6, 2004 Special Town Mtg.)

The Board of Selectmen shall, within thirty (30) days after the adoption of this By-Law and thereafter as terms expire or vacancies occur, make appointments to a Board of Appeals as provided in Section 12 of Chapter 40A of the Mass. General Laws as amended, having all the powers and duties as provided in Section 14 therein. Said powers shall include the authority:

1. To hear and decide appeals in accordance with Section Eight of said Chapter 40A;
2. To hear and decide petitions for variances from the dimensional requirements set forth in this By-Law, under the provisions of Section Ten of said Chapter 40A.

(B) Membership

Said Board of Appeals shall consist of three (3) members appointed for terms of such length and so arranged that the terms of one appointee shall expire each year. There shall also be appointed two associate members for a term of three (3) years, so that in case of vacancy, inability to act, or interest on the part of a member of said Board, the Board member's place may be taken temporarily by the associate member. Said Board shall elect annually a Chairman from its own members.

(C) Right of Appeal

Any person aggrieved by the refusal of the Building Commissioner to issue a permit or license on the grounds of non-compliance with this By-Law or any person aggrieved by a decision of the Building Commissioner may appeal to the Board of Appeals as provided in Chapter 40A of the Mass. General Laws and all amendments thereto.

(D) Removal of Member

Any member of the Board of Appeals may be removed for cause by the appointing authority on written charges and after a public hearing.

Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. In case of a vacancy, inability to act or interest on the part of a member of the Board, the Board member's place shall be taken by the associate member.

(E) Repetitive Petitions

No petition or appeal to the Board of Appeals under this Section which has been unfavorably acted upon by said Board shall be considered on its merits by said Board within two (2) years after the date of such unfavorable action, except with the consent of all members of the Planning Board.