



ZONING BOARD OF APPEALS

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The Zoning Board of Appeals (“ZBA”) has received several emails inquiring about the notice that was provided to abutters and nearby residents in advance of the public hearing on the comprehensive permit application for 136-140 Worcester Road.

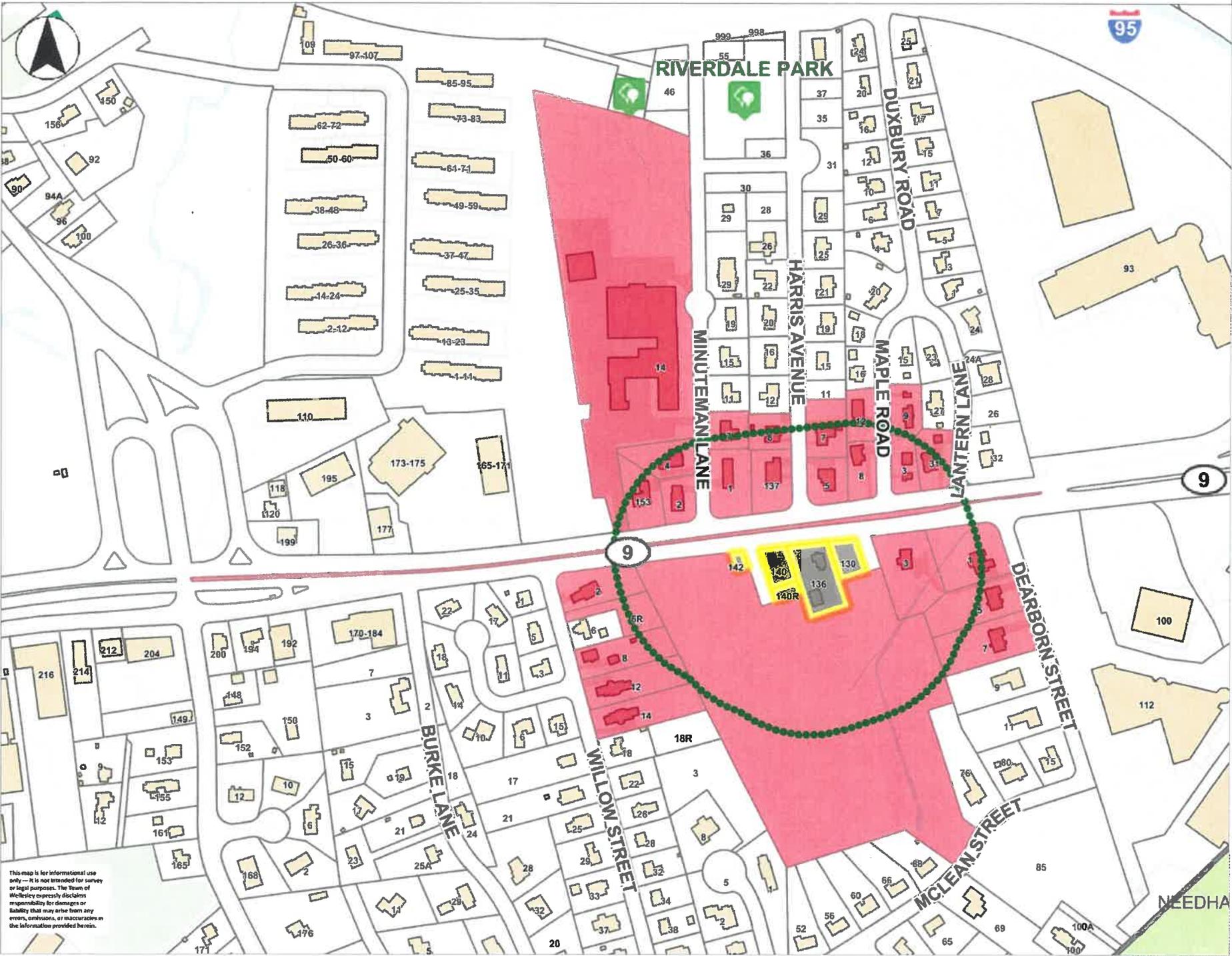
The ZBA is required to provide notice of the public hearing on a comprehensive permit application in accordance with M.G.L. c.40A, §11. This statute requires that notice be sent to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list.

The ZBA’s office has reviewed the notices that were sent for this comprehensive permit application, and has confirmed that notices were mailed to all necessary parties in interest, as defined above, before the public hearing on this application began on June 18, 2019. A copy of the Town’s Assessors’ Map showing the properties that are required to be notified by mail pursuant to M.G.L. c.40A, §11 is attached.

Once the public hearing on a comprehensive permit application begins, the ZBA does not mail notice for subsequent sessions of the hearing. Instead, at the conclusion of each night of the public hearing, the ZBA announces the specific date and time when the next session of the hearing will occur. In addition, the ZBA posts agendas for each subsequent session of the public hearing at Town Hall and on the Town’s website in accordance with the *Open Meeting Law*. This practice was followed for the continued sessions of this particular public hearing, which were held on September 10, October 15, November 12, December 10, January 9, 2020, February 4, 2020 and March 31, 2020.

In addition, the emails sent to the ZBA also note that applicant sought a waiver of the notice provision under the Town’ Wetlands Protection Bylaw. This waiver request has not been acted upon or granted by the ZBA. However, to the extent that section of the Bylaw is intended to provide notice to abutters and abutters to the abutters within 300 feet of the project site, these parties were all duly notified in accordance with M.G.L. c.40A, §11 prior to the beginning of the ZBA’s public hearing, as noted above.

Finally, the emails sent to the ZBA suggest that the public hearing on this application was somehow improper because there was not substantial participation from the neighborhood. When the ZBA reviews comprehensive permit applications (and all other applications within its jurisdiction), it welcomes input from abutters, neighborhood residents, and other members of the public with an interest in the application. The ZBA relies on these parties to attend the hearing in person or to submit comments in writing. In the absence of public attendance or input, the strict timelines applicable to comprehensive permit applications require that the public hearing, and the ZBA’s review of the project, proceed accordingly. This public hearing had less public attendance than the public hearings on other recent comprehensive permit projects in Town. The ZBA certainly would have appreciated additional public input during the nine months of hearing on this application, but it can say with certainty that the attention it devoted to this application was equally rigorous as compared to those other, relatively more highly attended, comprehensive permit hearings. Therefore, having satisfied the obligation to provide notice in accordance with M.G.L. c.40A, §11, and having conducted a detailed review of all aspects of this project within the maximum amount of time allowed by law, the ZBA now has no legal opportunity to hear additional abutter input at this time.



- Points Of Interest
 - Beach
 - Cemetery
 - College
 - Fire
 - Library
 - Park
 - Parking
 - Police
 - Schools
 - Town Building
 - MBTA Commuter Rail Station
 - MBTA Commuter Rails
- Buildings
- Parcels
- MA Highways
 - Interstate
 - US Highway
 - Numbered Routes
- Town Boundary
- Abutting Towns Opaque
- Abutting Towns
- Roads (Edge Of Pavement)
- Sidewalks
- Paths
 - Sidewalks & Paved F
 - Unpaved Paths
- Parking
- Open Water
- Brooks And Streams
- Active Recreation Areas
 - Golf Course
 - Court - Basketball/Tennis
 - Track
 - Beach
 - Field

This map is for informational use only - It is not intended for survey or legal purposes. The Town of Wellesley expressly disclaims responsibility for damages or liability that may arise from any errors, omissions, or inaccuracies in the information provided herein.

0 460 920 ft

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Notified Abutters