

**Rockport Zoning Board of Appeals**  
**Proposed Ordinance Clarifications**

As part of a continuing effort to update, upgrade and clarify the Ordinances of the Town or Rockport, the Ordinance Review Committee offers the following three amendments:

1. The organizational structure of the Zoning Board of Appeals is not contained in the Land Use Ordinance but in a separate “Zoning Board Ordinance” adopted on June 12, 2001 and last amended on November 7, 2006. Section II of this Ordinance contains several references to appointments to the Zoning Board of Appeal by “the Municipal Officers”, a term undefined in either this Ordinance or the Land Use Ordinance. Article IV (A)(1) of the Rockport Town Charter calls for the Select Board to appoint members of the Zoning Board of Appeals. Therefore, the following changes should be made to certain subsections of Section II with the deleted language (in parentheses) and the new language underscored.

**II. Appointment**

- A. Rockport Zoning Board of Appeals members shall be appointed by the (Municipal Officers) Select Board and sworn into office by the Town Clerk or other person authorized to administer oaths.

. . . .

- E. When there is a permanent vacancy on the Rockport Zoning Board of Appeals, the (Municipal Officers) Select Board shall, within 60 days of a vacancy occurring, appoint a person to serve for the unexpired term. . . .

- F. A (Municipal Officer) member of the Select Board or spouse of a (Municipal Officer) member of the Select Board may not be a member of the Zoning Board of Appeals. \*

\*Note: Subsection F mirrors state law on point.

2. Section III of the separate Zoning Board Ordinance is entitled **Organization and Rules**. Subsection (C) thereof calls for the Chairperson of the Zoning Board of Appeals to call for a regular meeting each month. There is no need for a mandatory monthly meeting since appeals and other Board business take place at irregular intervals. Therefore, the following changes should be made to Section III (C) with deleted language (in parentheses) and added language underscored.”

**III. Organization and Rules**

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- C. The Chairperson shall call at least one meeting of the Board each (month) year and such other meetings as may be necessary to conduct the business of the Board.

3. Section 505 of the Land Use Ordinance is entitled “**Changes in Nonconforming Lots, Structures and/or Uses**.” It specifies standards for the Zoning Board of Appeal to approve non-conforming uses, but fails to cross reference Section 503, entitled **Non-Conforming Uses**, which elaborates on those standards. Therefore, the following changes should be made to the final sentence of Section 505 with added language underscored:

**505 Changes in Nonconforming Lots, Structures and/or Uses**

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In making its determination, the Board of Appeals shall apply the standards of Section 503, 703.3 and, if applicable, Sections 1416.4 and 1416.5.

