

**ZONING BOARD OF APPEALS
TOWN OF MOUNT DESERT
TOWN HALL, NORTHEAST HARBOR**

RULES OF PROCEDURE

The Ordinance which creates the Zoning Board of Appeals provides in Section 3D that the Board shall adopt rules for the transaction of business.

Section 4A of the Ordinance provides in part “the Board shall have the power to hear any appeal by an aggrieved party affected directly, or indirectly by any regulation decision, order, or failure to act by the Planning Board, the Code Enforcement Officer or Building Inspector in accordance with state law and this ordinance.”

The Board, in order to facilitate and expedite the processing of an appeal, has adopted the following rules, which shall be observed by all parties having business before it.

1. All Appeals shall be prepared on the form attached hereto.
2. The Board will not accept jurisdiction to consider an appeal until a DECISION IN WRITING of the Planning Board, Code Enforcement Officer, or Building Inspector is a matter of record on file in the Town Office.

Appeal Forms filed in the Town Office without the DECISION above mentioned or before a formal record exists will be considered premature and will not be accepted.
3. The Appeal shall have, as an attachment, a copy of the DECISION IN WRITING of the Planning Board, Code Enforcement Officer or Building Inspector.
4. Upon receipt of an appeal the Chairman of the Board or, in his absence, the Board member having the greatest seniority in service, shall designate a date for a Public Hearing, arrange for any required advertising and shall notify the parties. He may be assisted in any administrative processing of any appeal by the Code Enforcement Officer.
5. Not less than ten (10) days before the Public Hearing the Appellant shall file in the Town Office, excluding the DECISION from which the appeal has been taken, the following:
 - a) A copy of the entire record developed before the other body or official unless its entirety is included in the DECISION referred to above.
 - b) Relevant documents which Appellant may wish to offer in evidence and which are not part of the original record.
 - c) A clear and concise statement of the reasons for the appeal, the grounds upon which it is based with specific reference to the LUZO or Building

Code provisions involved and specifications of the error alleged to have been committed by the Planning Board, Code Enforcement Officer or Building Inspector.

d) A brief statement of the remedy sought and the reasons for it.

6. Not less than five (5) days before the Public Hearing the Appellee and Any Other Interested Party shall file in the Town Office the following:

a) Any relevant documents which the party may wish the Board to consider and which are not part of the originals record before the other body or official;

b) A clear and concise statement of the position of the party with respect to the appeal. Such statement should be specific as to the LUZO or BUILDING CODE provisions involved and in what respect the facts of the case fall within or violate the provisions thereof.

c) The position of the party regarding the disposition of the case.

7. The Board encourages all parties where possible to enter into agreements concerning undisputed facts or other matters which are relevant to the case. If possible such agreements should be in writing and must be filed in the Town Office not less than two (2) business days before the Public Hearing. The Board will not hear any evidence at the Public Hearing on any matter covered by an agreement in writing.

8. Failure to comply with the above may have an adverse effect on the consideration of your position in the case.

9. At the conclusion of any Public Hearing the Board will enter of record a NOTICE OF DECISION in the form attached hereto. A REPORT of the proceedings, signed by the Secretary following approval of the members of the Board attending the Public Hearing will be filed within thirty (30) days thereafter.

(Harry R. Madeira)
for the Board, H. R. Madeira, Chairman