

**TOWN OF BRIDGTON  
BOARD OF APPEALS  
BYLAWS**

**SECTION I. PURPOSE AND SCOPE**

The purpose of these bylaws is to establish reasonable rules of procedure for meetings of the Town of Bridgton Board of Appeals (“Board”) and to promote the fair, orderly, and efficient conduct of the Board’s proceedings and affairs. These bylaws shall govern the Board’s practices and procedures except as otherwise provided by law, and shall be liberally construed so as to accomplish their purpose.

**SECTION II. ORGANIZATION**

The Board of Appeals shall be organized in accordance with Title 30-A, Section 2691 of the Maine Revised Statutes, as amended. As of the effective date of these bylaws, the Board consists of five members and two associate members, all of whom are residents of the Town of Bridgton. The members and associate members of the Board are appointed by the Board of Selectmen to staggered five-year terms. Board terms are staggered to preserve continuity on the Board, and expire on the 4<sup>th</sup> Thursday of September.

**SECTION III. OFFICERS AND DUTIES**

- A. **OFFICERS.** The officers of the Board shall consist of a Chair, Vice Chair and Secretary, who shall be elected annually by a majority of the Board and shall serve until their successors are elected. Elections for officers shall be held on the 4<sup>th</sup> Thursday of October.
- B. **CHAIR.** The Chair shall perform all duties required by law and these bylaws and preside at all meetings of the Board. The Chair shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other actions as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs in an efficient and orderly manner. The Chair shall call all meetings of the Board as required by law, and shall set the agenda for each meeting. The Chair shall appoint any committees established by a majority of the Board to carry out the business of the Board. When a member is unable to act because of a conflict of interest, physical incapacity, absence from the state, or any other reason satisfactory to the Chair, the Chair shall designate an associate member to serve.
- C. **VICE CHAIR.** The Vice Chair shall serve in the absence of the Chair and shall have all the powers and duties of the Chair during the Chair’s absence. In the absence of the Chair and Vice Chair, the Board shall appoint an Acting Chair by majority vote. In the absence of the Secretary, the Board shall appoint an Acting Secretary by majority vote.
- D. **SECRETARY.** The Secretary shall maintain a permanent record of all meeting agendas and minutes, motions, votes, resolutions, transactions, correspondence, decisions and determinations of the Board, which shall be a public record except as otherwise provided by law. The Secretary shall be responsible for preparing a complete record of each Board meeting, including: date(s), time(s), place(s) of the meeting; subject of the meeting;

identification of each participant at the meeting; public comments and testimony presented at the meeting; any decisions of the Board, and the date of issuance of such decisions. Original documents shall be filed with the Town Clerk and copies shall be made available to the members. The Secretary shall be responsible for maintaining minutes of all Board proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The minutes shall be sent to all members and associate members. The Secretary shall be responsible for arranging proper and legal notice of public proceedings and hearings, attend to correspondence of the Board, and perform other duties as designated by the Chair.

#### **SECTION IV. PARTICIPATION AND VOTING**

- A. A quorum shall consist of a majority of the total number of members of the Board.
- B. No hearing, proceeding, or meeting of the Board shall be held, nor any action taken, in the absence of a quorum, except that in the absence of a quorum those members present may request the Chair to call a special meeting for a subsequent date.
- C. All matters shall be decided by a roll call vote.
- D. No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members. If a member has a conflict of interest or other disqualification, said member shall not be counted by the Board in establishing the quorum for any affected matter.
- E. The Chair shall appoint an associate member to act for a regular member who has a conflict of interest or is disqualified from voting; is unable to attend a hearing, proceeding, or meeting; or is absent from a substantial portion of the hearing, proceeding, or meeting due to late arrival. The associate member will continue to hear and act for the regular member on the affected matter until the Board action is completed.
- F. No member shall act on any matter involving a public hearing or public proceeding unless the member has attended the hearing or proceeding thereon or unless the member has stated on the record that he/she has familiarized him/her self with such matter by studying the record.
- G. All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause shown.

#### **SECTION V. MEETINGS**

- A. **REGULAR MEETINGS.** The regular meeting of the Board shall be held on the 4<sup>th</sup> Thursday of each month at 7:15 p.m. at the Municipal Building, unless rescheduled by the Board in accordance with this section. When said day falls on or near a holiday, or if other circumstances require rescheduling the regular meeting, upon vote of a majority of the members of the Board at the previous meeting, the date and/or time of the next regular meeting may be changed.

- B. ANNUAL ORGANIZATIONAL MEETINGS. The annual organizational meeting of the Board shall be held on the 4th Thursday of October.
- C. SPECIAL MEETINGS. Special meetings may be called at the discretion of the Chair or upon the request of a majority of the Board or the Town of Bridgton municipal officers. The Chair shall call a special meeting within ten (10) days of receipt of a written request from the majority of the Board or the Municipal Officers, which request shall specify the matters to be considered at such special meeting. At least seventy-two hours written notice of the time, place, and business of the special meeting shall be given each member of the Board, the Board of Selectmen, the Planning Board, the Code Enforcement Officer, and the applicant if any is affected by the matters to be considered at the special meeting. No business may be conducted other than that specified in the notice.
- D. NOTICE; QUORUM. Notice of all Board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law. No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum.
- E. ORDER OF BUSINESS. The order of business at regular meetings of the Board shall be as follows:
1. Roll call and determination of a quorum;
  2. Reading and approval of the minutes of the preceding meeting;
  3. Old (unfinished) business;
  4. New business;
  5. Other business;
  6. Adjournment.

## **SECTION VI. PUBLIC HEARINGS AND PUBLIC PROCEEDINGS**

- A. CALLING A PUBLIC HEARING OR PUBLIC PROCEEDING. Public hearings and public proceedings of the Board shall be called and conducted as required by law, or on such other occasion as a majority of the Board may deem necessary.
- B. NOTICE. Notice of public hearings and public proceedings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter. For any public hearing in which the Board acts in its *de novo* capacity and for any public proceeding in which the Board acts in its appellate capacity, notice of the public hearing or public proceedings shall be given as follows:
1. The owner of property for which an appeal is being made or the owner's designated agent shall be notified by the Board via certified mail at least ten days in advance of the hearing or proceeding.

2. Owners of all property abutting the property for which an appeal is being made shall be notified by the appellant via certified mail. The owners of properties shall be considered to be those parties listed by the Assessors of the Town as those against whom the taxes are assessed.
  3. Notice of the public hearing or the public proceeding shall be posted by the Board at the Town Office and in one other public place at least ten days prior to the hearing or proceeding.
  4. Notice of the public hearing or the public proceeding shall be published by the Board in summary form in a newspaper of general circulation in the Town of Bridgton, such notice to appear at least ten days prior to the hearing or proceeding.
- C. CONVENING A PUBLIC HEARING OR PUBLIC PROCEEDING. The Chair shall convene each public hearing or public proceeding by describing its purpose and the procedures to be followed. Any party may appear in person, by agent, or by attorney.
- D. PUBLIC HEARINGS. For any public hearing in which the Board acts in its *de novo* capacity, every party shall have the right to present its case in the order determined by the Chair, except that the Chair may impose such reasonable time limits as may be necessary to serve the interest of administrative efficiency and to ensure that all parties have an adequate opportunity to be heard. Every party shall have the right to submit rebuttal evidence and to conduct cross-examination of any other party, except that the Chair may impose such other reasonable limitations as the Chair deems necessary to prevent an abuse of process. Unless the Chair establishes a different order of business, the general order of business at such public hearing shall be as follows:
1. The Chair calls the hearing to order.
  2. The Chair describes the purpose of the hearing and summarizes the record evidence received.
  3. The Board determines whether it has jurisdiction over the appeal.
  4. The Board decides whether the appellant has the right to appear before the Board.
  5. The Chair determines which individuals attending the hearing are "Parties to the Action." Parties to the Action may include but are not limited to the appellant, the applicant, abutting property owners, and those who are able to demonstrate a particularized injury. Parties to the Action may be required by the Chair to consolidate or join their appearances in part or in whole if the Chair determines their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal officers, the Planning Board, and the Code Enforcement Officer shall automatically be made Parties to the Action. Other persons attending the hearing, including as Federal, State, Town, and other governmental agencies, shall be permitted to participate in the hearing at the discretion of the Chair.
  6. The appellant is given the opportunity to present its case.

7. The Parties to the Action may cross-examine the appellant and its witnesses, if any.
  8. The Board may ask questions of the appellant and its witnesses, if any, through the Chair.
  9. The Parties to the Action are given the opportunity to present their case in the order established by the Chair.
  10. The appellant may cross-examine the Parties to the Action and their witnesses, if any.
  11. The Board may ask questions of the Parties to the Action and their witnesses, if any, through the Chair.
  12. The Board may request comment by Town officials, such as the Code Enforcement Officer, and Town consultants at any time.
  13. The appellant and the Parties to the Action are given an opportunity for rebuttal in the order and at the time established by the Chair.
  14. The Board may accept testimony, comments, and questions from observers and interested members of the public at any time.
  15. The Chair closes the hearing or, if additional time is needed, continues the hearing to a later date. The appellant and Parties to the Action shall be notified of the date, time, and place of any continued hearing.
  16. Written testimony may be accepted by the Board at its discretion prior to the close of the hearing. At the conclusion of the hearing, no further evidence or testimony will be allowed into the record except if the Board reopens the record pursuant to these bylaws.
  17. Upon such request made prior to or during the course of the hearing, the Board may permit participants in any hearing pursuant to these bylaws to file proposed findings of fact and conclusions of law for inclusion in the record after the conclusion of the hearing within such time and upon such notification to the other participants as the Board may require.
- E. PUBLIC PROCEEDINGS. For any public proceeding in which the Board acts in its appellate capacity, the parties who appeared in the proceeding below shall have the right to present legal argument in the order determined by the Chair, except that the Chair may impose such reasonable time limits as may be necessary to serve the interest of administrative efficiency and to ensure that all parties have an adequate opportunity to be heard. The Board shall not permit the introduction of additional testimonial or documentary evidence. Unless the Chair establishes a different order of business, the general order of business at such public proceeding shall be as follows:
1. The Chair calls the proceeding to order.
  2. The Chair gives a statement of the case and summarizes all record evidence received.

3. The Board determines whether it has jurisdiction over the appeal.
  4. The Board decides whether the appellant has the right, title or interest to appear before the Board.
  5. The Chair determines which individuals who appeared in the proceeding below are "Parties to the Action." Parties to the Action may include but are not limited to the appellant, the applicant, abutting property owners, and those who are able to demonstrate a particularized injury. Parties to the Action may be required by the Chair to consolidate or join their appearances in part or in whole if the Chair determines their interests or contentions are substantially similar and such consolidation would expedite the proceeding. If they appeared in the proceeding below, municipal officers, the Planning Board, and the Code Enforcement Officer shall automatically be made Parties to the Action. Other persons attending the proceeding, including as Federal, State, Town, and other governmental agencies, shall be permitted to participate in the hearing at the discretion of the Chair.
  6. The appellant is given the opportunity to present its legal argument.
  7. The Parties to the Action are given the opportunity to present their legal argument in the order established by the Chair.
  8. At the discretion of the Chair, the appellant and the Parties to the Action may be given an opportunity for rebuttal in the order and at the time established by the Chair.
  9. At the discretion of the Chair, other participants may be given an opportunity to present legal argument.
  10. The Board may ask questions at any time of the appellant, the Parties to the Action and other participants, if any, through the Chair.
  11. The Chair closes the proceeding or, if additional time is needed, continues the proceeding to a later date. The appellant and Parties to the Action shall be notified of the date, time, and place of any continued proceeding.
- F. REOPENING THE RECORD. At any time prior to a final decision, the Board may reopen the record for further proceedings consistent with these bylaws, provided, however, that the Chair shall give notice of such further proceedings to the participants and the public in such manner as is deemed appropriate.

## **SECTION VII. DECISIONS**

All final decisions of the Board shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefor. All such decisions, together with any recording or transcript of testimony, legal argument, and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as

otherwise provided by law. Notice of any decision, if required, shall be given as prescribed by law.

**SECTION VIII. RECONSIDERATION**

The Board may reconsider any decision in accordance with Title 30-A, Section 2691 of the Maine Revised Statutes, as amended.

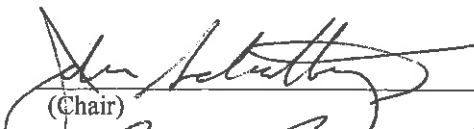

The Board has discretion as to whether or not to entertain a request for reconsideration. If the Board votes to consider the merits of a request for reconsideration, notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration.

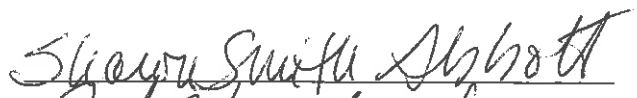
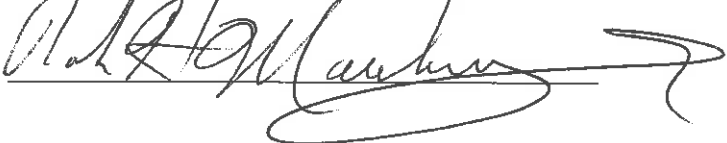
The Board may reconsider its decision for any reason, including but not limited to the following reasons: (1) The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or (2) the Board misinterpreted the ordinance, followed improper procedure, or acted beyond its jurisdiction.

**SECTION IX. WAIVER; AMENDMENT; CONFLICT WITH LAWS**

- A. These bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law.
- B. These bylaws may be amended at any time by a majority vote of the Board provided all Board members receive prior notification of the proposed amendments.
- C. The invalidity of any section or provision of these bylaws shall not be held to invalidate any other section or provision of these bylaws.
- D. Where these bylaws do not address an issue, the Board may fashion its own procedure so long as the procedure is fair and does not conflict with federal, state, or local law.
- E. Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

THESE BYLAWS AS SET FORTH ARE ADOPTED BY VOTE OF THE TOWN OF BRIDGTON BOARD OF APPEALS AT A MEETING ON October 13, 2016.

  
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(Chair)  
  
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(Vice-Chair)

  
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