

Reestablishment of The Whitefield Board of Appeals

Establishment; Reestablishment. The Town of Whitefield hereby reestablishes its Board of Appeals. The board which has been acting as a board of appeals is hereby reestablished as the Whitefield Appeals Board in accordance with the following ordinance. All actions taken prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted Board of Appeals of the Town of Whitefield.

Board of Appeals Ordinance

Section 1 Establishment

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. §2691 and 3001.

Section 2 Appointment

Members of the Board of Appeals shall be appointed by the Select Board, who shall determine their compensation and shall be sworn by the Town clerk or other person authorized to administer oaths.

The board shall consist of five (5) regular members and two (2) alternate members.

Regular members shall serve three (3) year staggered terms, except that the initial appointments shall be two members for one year (1), two members for two years (2) and one member for three years (3). Alternate board members shall be appointed for three years (3).

When there is a permanent vacancy the Select Board shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member. The Select Board may remove members of the Board of Appeals by majority vote, after providing notice and an opportunity for a hearing.

Neither Select Board or Planning Board members or their spouses may serve as a member or alternate of the Board of Appeals.

Section 3 Organizations, Rules and Procedures

The board shall elect a chairperson and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.

When a member is unable to act, the chairperson shall designate an alternate member to sit in his or her place.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members except the member who is being challenged.

Alternates may attend all meetings of the board. They may ask question or offer comments only when members of the public are allowed to do so and may make and second motions only when they have been designated by the chairperson to sit for a member.

When notified by the Planning Board or the Select Board the chairperson will call a meeting of the Board of Appeals. Special meetings can be called at any time by the chairperson or a majority vote of the board. Notice of regular, special or emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

Section 4 Duties and Powers

The Board of Appeals may adopt rules and procedures for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations.

The Board of Appeals shall file all rules and procedures with subsequent revisions and any decisions made with the Town Clerk.

The Board of Appeals shall perform such duties and exercise such powers as are provided by this ordinance and the laws of the State of Maine.

The Board of Appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for such purpose by the legislative body of the town.

Section 5 Severability Clause

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section of provision of this ordinance.