

**BOARD OF APPEALS  
ORDINANCE**

**FOR THE**

**TOWN OF WINDSOR,  
MAINE**

ENACTED: Special Town Meeting, June 17<sup>th</sup>, 2006  
Amended Annual Town Meeting June 20<sup>th</sup>, 2007

# **Board of Appeals Ordinance**

## **Section 1. Establishment**

The board of appeals as heretofore established in the Town of Windsor is hereby reestablished as set forth in this ordinance and in accordance with 30-A MRSA §§2691 and 3001.

## **Section 2. Appointment**

- 2.1. Members of the board of appeals shall be appointed by the board of selectmen, who shall determine their compensation, if any. Members shall be sworn by the town clerk or other person authorized to administer oaths.
- 2.2. The board shall consist of five (5) regular members and two (2) alternate members. Members of the board immediately prior to enactment of this ordinance shall continue as regular members of the board as reestablished by this ordinance for the unexpired portion of their terms.
- 2.3. Regular members shall serve three (3) year staggered terms, except that initial appointments made under this ordinance may be for one (1) year, two (2) years or (3) years as necessary to achieve the purpose of this subsection. Decisions of the selectmen relating to the staggering of terms pursuant to this subsection shall be final. Alternate board members shall be appointed for three year terms.
- 2.4. When there is a permanent vacancy on the board, the selectmen shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to reside in Windsor. The board of selectmen may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.
- 2.5. Neither a selectman nor spouse of a selectman may serve as a member or alternate member of the board of appeals.

## **Section 3. Organization, Rules, and Procedures**

- 3.1. The board shall annually elect a chairperson and secretary from its regular members.
- 3.2. 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.
- 3.3. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her place. When so designated, the alternate member may participate in meetings and hearings of the board to the same degree

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as regular members. In the absence of or upon the expiration of such designation, the relationship of an alternate member to the board is that of a member of the public.

- 3.4. The chairperson shall call meetings of the board as required. The chairperson shall also call meetings of the board when requested to do so by a majority of the members or by the board of selectmen.
- 3.5. No meeting of the board shall be held without a quorum consisting of three (3) members, including any alternate members designated by the chairperson.
- 3.6. The board may adopt procedural rules and forms for the conduct of meetings, appeals, hearings and the transaction of the board's business. The secretary shall file adopted rules and forms with the town clerk.

### **Section 4. Duties and Powers**

- 4.1 The board of appeals shall hear and decide the following matters:
  - A. Administrative appeals and variance appeals authorized by Section VII of the Building Code of the Town of Windsor;
  - B. Administrative and variance appeals authorized by Article IX of the Floodplain Management Ordinance of the Town of Windsor;
  - C. Administrative appeals and variance appeals authorized by Section 16(G) of the Shoreland Zoning Ordinance of the Town of Windsor;
  - D. Appeals authorized by Section 4 of the Sludge Ordinance of the Town of Windsor;
  - E. Administrative appeals and variance appeals authorized by Article 2 of the Subdivision Ordinance of the Town of Windsor;
  - F. Appeals authorized by the Section 13 of the Wireless Telecommunications Facilities Siting Ordinance of the Town of Windsor; and
  - G. Such other matters as the board may be authorized to hear and decide by town ordinance or state law.
- 4.2 The board of appeals shall act as the board of assessment review of the Town of Windsor.

### **Section 5. Time and Manner of Filing Appeals**

- 5.1 A taxpayer may appeal a refusal of the Board of Selectmen to make a requested tax abatement to the board of appeals in its capacity as the board of assessment review. The appeal must be filed in writing with the town clerk within sixty (60) days after receipt of written notice of the decision from which the appeal is being taken or after the application is deemed to have been denied.

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- 5.2 An appeal other than a tax abatement appeal which the board is authorized to hear must be filed in writing with the town clerk by an aggrieved party within thirty (30) days after issuance of the written decision from which the appeal is being taken, except that the board may waive this thirty (30) day deadline for good cause shown, or when the board or officer charged with issuing a decision that is appealable to the board has failed to timely act.

### **Section 6. Nature of Appeals**

- 6.1 Appeals shall be conducted in the form of de novo evidentiary hearings before the board.

### **Section 7. Severability Clause**

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