-------- Original Message --------
Subject: RE: Zoning Board of Appeals Questions
Date: Thu, 11 Oct 2012 17:39:29 +0000
From: Philip Saucier <psaucier@bernsteinshur.com>
To: Danielle Loring <danielle.loring@raymondmaine.org>, Shana Cook Mueller <smueller@bernsteinshur.com>

Hi Danielle,

I wanted to make sure to get back to you as soon as possible with an answer to your question on the Board of Appeals rules of procedure. The state law that governs municipal Boards of Appeals states:

"The board may provide, by regulation which shall be recorded by the secretary, for any matter relating to the conduct of any hearing, provided that the chair may waive any regulation upon good cause shown." 30-A M.R.S.A. § 2691 (2)(C).

This provision gives the Board of Appeals the authority to adopt its own rules of procedure, as long as the rules are procedural only and not substantive. While review by the Board of Selectmen is not necessary under the statute, we think it would be prudent for the BOA to submit its draft rules of procedure to the Selectmen for their review and comment before formally adopting the rules.

I am still researching your question related to the reduction from minimum setbacks and will get back to you on that as soon as possible. Please let me know if you have any further questions.

Take care,

Phil