

Poland Zoning Board of Appeals Workshop
March 31, 2014 – 6:30 pm
Town Office Conference Room

MINUTES

CALL TO ORDER

Chairman Richard Carlson called the meeting to order at 6:30 pm with members Joseph Radziszewski, Holly Bubier, and Bryan McNulty present. Member Mark Hyland is absent with notification.

WORKSHOP

Natalie Burns and Mark Bower from Jensen Baird Gardner and Henry are meeting with the board on the topic of board procedures and decision making.

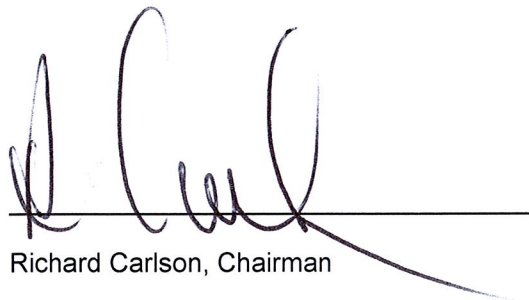
- Rules of Procedure may or may not be adopted by the Board.
- If there is no specific rule most boards will follow Roberts Rules of Order.
- The Board of Appeals is a Quasi Judicial Board, which means a decision will include a vote and findings of fact. This is not a legislative board.
- The Right to Know Law or Freedom of Access Act requires all proceedings to be held in public and all town records to be available as well, with a few exceptions. The only time an executive session should be held is with the Town's Attorney. The executive session would still be open to the public however they would not be allowed to speak.
- No Board of Appeals business or discussion should take place in email. This would need to take place at a public meeting. Any emails received should be saved or sent to the Town Office to keep on file. If you have a question for the CEO you are allowed to ask him before the meeting, but it should be answered at the meeting before the public.
- All public requests for information should go through the Town's FOAA Officer Nikki Pratt.
- Site visits are considered public meetings and noticing is required. Members of the public are allowed to attend. Board members should not visit a site alone, or else they could be disqualified from acting on the application. A summary of the site visit should be made at the next meeting. Driving by a site is permitted. If a member of the board is approached by a member of the public at a site walk making any statement this should be disclosed at the next meeting.
- If you feel that there is a conflict of interest it is usually best to recuse. Owners of 10% or more of a business that could benefit from the board's decision should recuse themselves. Appearance of conflict of interest should be avoided. Full disclosure is always necessary, and members should state if they can be fair or impartial. A member that abstains from discussion and voting should sit with the public. It is recommended that they do not speak as a member of the public.
- It is always best to be fair and impartial, not biased. If there is bias because of blood or marital relation it is always best to abstain. Members of the public are not allowed to make comment on bias or conflict of interest.

- Board Members should have no communications with members of the public or an applicant regarding a pending application. If they are contacted by someone it should be disclosed at the next meeting. You should never talk to a member of the press about a pending application.
- For administrative appeals, the CEO should only be questioned at the public hearing, never beforehand.
- It is important that board members appear to be fair at all times. The chair is allowed to maintain order.
- A board member that has missed a previous meeting can only participate if they have inspected the record from the meetings missed. If someone objects the board can vote on whether or not that member should be included.
- The board is allowed to take adequate time to make a decision. It is always acceptable to table an application. The board should indicate their reasoning for tabling an application.
- Motions should always be made in the affirmative and an application needs three votes in favor to approve, not a majority.
- Conditions can be applied to an approval and a variance can be reduced or limited.
- A written decision is required by law. This ensures that the board does go through all of the required criteria and explain their reasoning.
- It is always a good idea to assume all decisions made will be challenged.
- A vote should be made on the application, and then on the written findings. Conditions should be included in the vote and written findings.
- If an appeal is not received within the appeal period a decision is final. If the decision is not recorded it is null and void.
- A request for reconsideration must be submitted within ten (10) days of the vote. There would need to be a motion to reconsider, made by someone who voted with the majority. The board does not need to reconsider their vote. All action must be completed within forty-five (45) days of the original vote. A Public Hearing does not need to be reopened. The appeal period for a reconsidered decision is only ten (10) days.

ADJOURNMENT

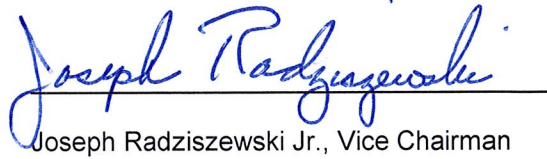
The meeting adjourned at 8:30 pm.

Recorded By Alex Sirois



Richard Carlson, Chairman

Date Approved:
Board of Appeals



Joseph Radziszewski Jr., Vice Chairman



Holly Bubier, Secretary

ABSENT

Mark Hyland, Member

Bryan McNulty, Member