

**Art. 7.** Shall the Town vote to reestablish the Bristol Board of Appeals per Appeals Board bylaws adopted by the Appeals Board February 19, 2008.

Establishment: Pursuant to Title 30-A M.R.S.A. § 2691, the Town of Bristol, Maine hereby reestablishes its Appeals Board.

1. Membership

- A. The Board of Appeals shall consist of seven (7) members appointed by the Municipal Officers.
- B. The term of each member shall be three (3) years, except that initial appointments shall be three (3) for one year, two (2) for two years, and two (2) for three years.
- C. New Board candidates are required to attend two (2) Appeals Board meetings as an observer as a prerequisite to appointment.
- D. All seven members shall be regular voting members. The Chairman and the Vice-chairman shall be determined by a vote of the entire Board at the annual organizational meeting immediately following Bristol's Annual Town Meeting.
- E. Members of the Board of Appeals must be legal residents of the Town of Bristol and duly sworn by the Clerk or other person authorized to administer oaths. The following oath shall be used: *"I do solemnly affirm that I will uphold the laws and ordinances of the State of Maine and the Town of Bristol, faithfully discharge my duties as a member of the Appeals Board, participate fully in Board proceedings and, to the best of my abilities, render fair and impartial decisions."*
- F. Board members must be present at all meetings and site visits concerning an appeal. Members who are absent may not participate in subsequent meetings on the same appeal or take part in decision making. The only exception would be under *"The Rule of Necessity"* which allows a Board member who has not been present to participate and vote in order to have a quorum. The Board member must prepare a sworn statement for the record that he/she has reviewed the minutes, listened to relevant tape recordings and reviewed any documents in the case file. Approval from the appellant and/or his/her representative shall be required.

2. Voting

- A. All Board members must participate in the vote unless they've recused themselves beforehand due to a conflict of interest. For the purpose of these bylaws, *"conflict of interest"* shall include bias based on state of mind, a financial interest, or a family relationship.
- B. If a motion results in a tie vote, more discussion will be held and another vote will be taken for purposes of validation. If the tie cannot be broken, it will be treated as having the same effect as a vote to defeat the motion.

3. Site Visits

Site visits will be conducted by a majority of the full voting membership of the Board, meeting together at the property in question, at a time convenient to all parties. The date and time of the site visit shall be discussed and approved in a public meeting.

4. Vacancy

- A. A vacancy on the Board of Appeals shall occur upon the resignation or the death of a member, or when a member ceases to be a legal resident of the Town, or when a member fails to attend three (3) consecutive meetings, or fails to attend at least 75% of all meetings during a twelve (12) month period.
- B. When there is a permanent vacancy, the Municipal Officers shall, within sixty (60) days of the occurrence of the vacancy, appoint an eligible person to serve for the unexpired term.

5. Meetings

- A. When a Request for Variance or Administrative Appeal is brought before the Board of Appeals, the Board will require that the Code Enforcement Officer be present.
- B. Meetings for variances, appeals or other Board matters will be held on the first and third Monday of each month at 6 pm at the Bristol Town Hall. Once a particular agenda has been determined, members will be informed. If they are unable to attend, they must contact the Town Office as soon as possible. If there are no pending agenda items, the meeting will be cancelled.