

ARTICLE 13 - APPEALS

13.1 Appeals to Superior Court.

An aggrieved party may appeal any decision of the Board under these regulations to _____ County Superior Court, within thirty days of the date the Board issues a written order of its decision.

The *Model* suggests that appeals proceed directly to court under Rule 80-B of the *Maine Rules of Civil Procedure*, rather than being pleaded before a local appeals board first. There is concern when one local board must justify its decision before another local board who may not have a working knowledge of the issues the first board deals with on an everyday basis.

In *Hylar v. Blue Hill*, the Maine Supreme Judicial Court ruled that the time for an appeal for a decision regarding a subdivision approval runs from the time a written decision is issued, not from the time the decision is made. This is one more reason that the issuance of a written decision to the applicant, with proper findings of fact and conclusions, is so important. See Appendix M for a model notice of decision.