

***Boardsmanship for Zoning Board of Appeals Members
(and for Planning Board Members, Town Planners, and
Code Enforcement Officers, too — whose Decisions Might Be Appealed)***

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1. The Appeals Board is “Quasi-Judicial.” Why this is critical to understand. (See Pink handout.)
 - a. Don’t go talking about the case to everyone.
 - b. Avoid irrelevant issues, and stick to the ordinance words.
 - c. Often the right decision has nothing to do with popular sentiment.
2. What Does the Appeals Statute Say? (See Yellow Handout.)
 - a. First of all, it’s called “Zoning Adjustment” – an interesting word choice.
 - b. Powers – Interpretations, Permit Issuances, Variances
Notice there is nothing about enforcement.
 - c. Parties – No specific notice requirements, up to the local ordinance.
 - d. Variances come in several flavors
 - i. Regular 4 part test
 - ii. Disability
 - iii. Relaxed 5 part test – Single Family Outside of SLZ
 - iv. Practical Difficulty – 6 part test
 - e. Recording of a certificate, runs with land
 - f. Cluster Developments - What’s the story?
 - g. Alfred’s Ordinance – An Example of a Town that fixed its Code to include all types of variances. (See Gray handout.)
 - h. Only give out the kinds of variances your ordinance says you can give out.
 - i. A good appeals board in a town with a healthy ordinance should meet infrequently. Usually a heavy workload means something needs fixing.
3. The Public’s Right to Know and Good Behavior
 - a. Conflicts of Interest (See Hot Pink handout entitled “Conflicts of Interest.”)
 - b. Disclosure
 - c. Recusal – Stepping Down
 - d. Submittals, Reports, Case Files, Minutes, Findings and Decisions
 - e. Ex Parte Communication – Know what it is and don’t do it.
 - f. Email
4. Well Run Meetings
 - a. Appropriate limitations on public comment.
 - b. Study your MMA manual. (See Blue handout for chapter 3, and use instructions on the cream handout to obtain your whole manual free.)
 - c. Use parliamentary procedure (See Hot Pink handout entitled “Parliamentary Procedure.”)