

§ 195-56

SEWERS

§ 195-58

**§ 195-56. Appeal to court.**

An aggrieved party may appeal the decision of the Sewer Appeals Board to the superior courts as provided by the laws of the State of Maine.

**ARTICLE XII  
Sewer Appeals Board****§ 195-57. Creation; appointment.**

The establishment of a Board of Sewer Appeals is hereby authorized. The members of the Board shall be appointed by the Town Council. They shall be residents of the town and shall serve without compensation. In accordance with the laws of the State of Maine, the following provisions shall apply:

- A. The Board shall consist of five (5) members. A quorum shall consist of three (3) members.
- B. The term of office of members shall be three (3) years, except that initial appointment of members shall be one (1) for one (1) year two (2) for two years and two (2) for three (3) years.
- C. No municipal officer shall be a member of the Board of Sewer Appeals.
- D. The Town Council may remove a member of the Board of Sewer Appeals. Unexcused absence of any member from three (3) consecutive meetings of the Board shall be considered cause for such removal.
- E. When there is a permanent vacancy, whether caused by death, resignation, removal or loss of eligibility, the Town Council may appoint a person to serve for the unexpired term.
- F. The Board of Sewer Appeals shall elect a Chairman and a Secretary from its own membership annually.

**§ 195-58. Jurisdiction.**

The Board of Sewer Appeals shall have the following powers and duties, to be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, the Health Officer and/or the Plumbing Inspector insofar as such decision arises from requirements of this chapter:

- A. To determine whether the decisions of said officers are in conformity with the provisions of this chapter and to interpret the meaning of this chapter in cases of uncertainty.
- B. To grant variances from the terms of this chapter where there is no substantial departure from the intent of this chapter and/or where necessary to avoid undue hardship. A projected expenditure of an amount exceeding fifteen percent (15%) of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship.

**§ 195-59. Hearings.**

- A. The Board of Sewer Appeals shall annually determine a regular monthly meeting date. All appeals or other matters to come before the Board requiring a notice as prescribed herein shall be filed with the Town Clerk, at least fifteen (15) days prior to said next monthly meeting day, who shall cause to be advertised in a newspaper or general circulation in the Town of Windham a notice of such appeal identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than ten (10) days after the date of such publications.
- B. The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned forthwith. Failure of the Board to issue such notice within thirty (30) days of the date of the hearing shall constitute a denial of said appeal.