

Zoning Board relief, and then return to the Planning Board for subsequent required approval(s).

(2) Special Use Permit

Where an applicant requires both a special-use permit under the local zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional special use permit from the Zoning Board, and then return to the Planning Board for subsequent required approval(s).

B. Town council

Where an applicant requires both Planning Board approval and council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the council, and then return to the Planning Board for subsequent required approval(s).

8.11 APPEAL OF PLANNING BOARD ACTION

A. The Board of Appeal

As authorized by the Zoning Ordinance and pursuant to state law, the Zoning Board shall be the Board of Appeal to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of subdivision or development project.

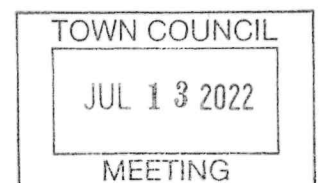
B. Right of Appeal

An appeal from any decision of the Board or Administrative Officer may be taken to the Board of Appeal by an aggrieved party, as defined in Article 10. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of such approval or disapproval not contained in the decision reached by the Planning Board at the preliminary stage, providing that a public hearing has been held on the plan pursuant to Section 8.5.

C. Process of Appeal

(1) Time Period and Standing

An appeal to the Board of Appeal from a decision or action of the Board or Administrative Officer may be taken by an aggrieved party, to the extent provided in



Section 8.11B. Such appeal must be taken within twenty (20) days after the decision has been filed and posted in the office of the Town Clerk.

(2) Form and Content of Appeal

The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the Board of Appeal. The Town Clerk shall accept delivery of an appeal on behalf of the Board of Appeal. Two copies of the appeal shall be filed, and the Town Clerk shall immediately transmit one copy to the Zoning Enforcement Officer and the other copy to the Administrative Officer.

(3) Transmittal of Record

Upon receipt of an appeal, the Board of Appeal shall require the Planning Board or Administrative Officer to transmit forthwith to the Board of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

D. Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action being appealed.

E. Public Hearing

(1) Time Limits and Notice

The Board of Appeal shall hold a public hearing on the appeal within forty-five (45) days of the receipt of the appeal, give public notice thereof, as well as due notice to the parties of interest. At the hearing any party may appear in person, or may be represented by an agent or attorney. The Board of Appeal shall render a decision within ten (10) days of the close of the public hearing.

(2) Cost

The cost of any notice required for the hearing shall be borne by the appellant.

(3) Special Meeting Required

The Board of Appeal shall only hear appeals of the actions of the Planning Board or Administrative Officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised. The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes shall be maintained by the Board of Appeal.