

**Cape Elizabeth Zoning Board of Appeals
PO Box 6260
Cape Elizabeth, ME 04107**

DRAFT Letter

January 2, 2013

Dear Chair Walsh and Members of the Cape Elizabeth Town Council:

In recent months the Zoning Board of Appeals has heard a number of administrative appeals of decisions by the code enforcement officer. One issue we have dealt with is the timeliness of appeals as appeals of actions of the codes officer need to be filed within thirty (30) days of the original decision. We have rejected consideration of appeals that did not meet the deadline requirement. Upon us doing so, citizens have communicated strong concern with the processes available to them to learn about decisions that have been made by the codes officer.

Specifically, citizens have asked that the abutters and other neighbors be proactively notified when a building permit is issued for a property. The Zoning Board of Appeals concurs that a policy needs to be developed to enhance the ability of citizens to know that permits are being approved for their neighborhoods. Such a policy would enable citizens to examine approved permits in a timely manner so as to have an opportunity to exercise their rights of appeal.

We had a discussion on our desire to communicate our views to you at our November 27th meeting and subsequently we drafted and approved this letter in time to approve it at our January 2, 2013 meeting. We appreciate that in the intervening period the town council has also recognized that the notification process needs a review and wish to acknowledge your action in December to refer this review to your ordinance committee.

Thank you for the attention you are giving to this issue and we are happy to offer any comments you may wish to consider as you entertain proposals to enhance the notification processes.

Sincerely yours,

Chairman
On Behalf of the Zoning Board of Appeals