

**TOWN OF CUMBERLAND  
BOARD OF ADJUSTMENT AND APPEALS  
Cumberland Town Hall - Council Chambers  
290 Tuttle Road, Cumberland Maine 04021  
(207) 829-2207  
Thursday, October 12, 2017 at 7:00 p.m.**

**Public Hearings:**

- 1. Special Exception:** Elvin Copp, owner, and EC Builders, contract purchaser, request a special exception to construct a single-family dwelling on Lot A on part of the lot at 33 Gray Road (Route 100), Tax Assessor Map U16, Lot 7C in the Village Office Commercial II (VOCII) district.
- 2. Special Exception:** Elvin Copp, owner, and EC Builders, contract purchaser, request a special exception to construct a single-family dwelling on Lot B on part of the lot at 33 Gray Road (Route 100), Tax Assessor Map U16, Lot 7C in the Village Office Commercial II (VOCII) district.
- 3. Administrative Matters:** Approval of Minutes
- 4. Adjournment:**

**Anyone wishing to be heard concerning any of the above matter(s) should attend.**

R. Scott Wyman, Chair

**TOWN OF CUMBERLAND  
BOARD OF ADJUSTMENT AND APPEALS  
RULES OF PROCEDURE**

1. No business may be transacted by the Board without a quorum, consisting of four members. The concurring vote of a majority of those voting, but at least three votes, is necessary to grant any application. If any matter fails to receive a favorable vote of a majority of the Board members voting, the application will be deemed to have been denied.
2. All testimony must be presented at the podium so that it can be recorded. Testimony will be videotaped. The videotape will be available for inspection at the Town Office during regular business hours.
3. Applicants will first state their case and may present testimony and offer evidence. The burden of proof is on the applicant to present all the evidence the Board needs to determine whether the project will comply with every applicable requirement of the Ordinance. Applicants are strongly encouraged to provide with their written submissions all evidence in support of their application.
4. Following the conclusion of the applicant's case, members of the public may present testimony and offer evidence, in the following order: first, those in favor of the application; second, those opposed to the application; and third, those neither for nor against the application.
5. Applicants may then offer rebuttal evidence.
6. Parties, acting through the Chair, may cross-examine witnesses. The Chair may limit irrelevant, immaterial, or unduly repetitious testimony. Members of the Board may ask questions at any time, with the permission of the Chair.
7. At the conclusion of the rebuttal evidence, the public portion of the proceeding will be closed, and the Board will rule on the application pursuant to the applicable provisions of Cumberland's Zoning Ordinance and Maine law. The Chair may reopen the public portion during deliberations if the Chair determines it is necessary to do so in the interests of a full and fair hearing and a complete record.
8. After a decision has been made, the Board will not entertain a new appeal of similar import concerning the same property until one year has elapsed from the date of the decision, unless the Chair believes that an injustice was done because of a mistake of law or misunderstanding of fact or if the Chair believes a change has taken place in some essential aspect of the case sufficient to warrant a reconsideration of the appeal.
9. The Board's procedures also are governed by Maine law (30-A M.R.S.A. §§ 2691 and 4353, or any successor statutes) and §315-77 of the Cumberland Code.

These rules were adopted on December 12, 2002, pursuant to 30-A M.R.S.A. § 2691(3)(C).