

PLANNING BOARD BYLAWS

Adopted July 26, 2007

Amended April 28, 2022

1. Pursuant to Sec. 61 of Chapter 90-A of R.S. the Town of Bowdoinham established a Planning Board at Town Meeting on March 2, 1959.

2. Appointment

A. Appointments to the Board shall be made by the municipal officers.

B. The Board shall consist of five members and two associate members.

C. The term of each member shall be five years, except the initial appointments which shall be for one, two, three, four, and five years respectively. The term of office of an associate member shall be five years. All newly designated Board members and associates are to be sworn in by the Town Clerk.

D. A vote of a Planning Board quorum may direct the action of the municipal officers to a permanent vacancy due to the absence of a member from three consecutive regular or five regular meetings of the Board in a twelve-month period. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term.

E. A municipal officer may not be a member or an associate member of the Board.

F. Each member of the Planning Board shall be a legal resident of the Town of Bowdoinham.

3. Duties; Powers

A. The Board shall perform such duties and exercise such powers as are provided by Town ordinances and the laws of the State of Maine.

B. The Board may obtain goods and services necessary to its proper functioning within the limits of appropriations made for the purpose.

4. Organization

A. The Board shall elect its chairpersonship and vice-chairpersonship by one of the two methods set out in this subsection.

Under the first method, the Board shall elect a chairperson and vice-chairperson from among its members and may create and fill such other offices as deemed

necessary. The term of all offices shall be one year, with eligibility for re-election. Elections will be held at the first regular meeting of each year.

The second method may be established by the Board at any regular or special meeting by majority vote of its members and associate members present. Under this method, the Board shall establish a rotational chairpersonship and vice-chairpersonship, with members and associate member participating in the rotation. To implement this method, the Board by consensus shall establish the term of rotation for the chair and for the vice-chair offices and shall establish the expected order of rotation. The actual order of rotation shall be flexible to accommodate changes in the availability of members and associate members. The length of term for any chair or vice-chair may be extended by the Board by consensus. The Board by consensus shall bring new members and associate members into the order of rotation at the time a new member or associate member joins the Board. The rotational method shall remain in place unless the Board by majority vote of its members and associate members, decides to institute the first method, in which case the Board shall elect a chair and vice-chair who shall serve until the first regular meeting of the next year.

1. The chairperson shall call the meetings to order and conduct all business.
 2. The vice-chairperson or the secretary shall assume the chairperson's duties in the absence of the chairperson.
 3. The chairperson shall prepare an agenda of business to be conducted at each meeting.
 4. The recording secretary may be retained by the Board to record minutes of Planning Board meetings and shall be responsible for putting all approved minutes and other official records for the preceding months on public inspection in the Office of Selectmen. The recording secretary shall also send out monthly notices, consult with the chairperson regarding the agenda for upcoming meetings, assume the role of corresponding secretary at the request of the Board, prepare news releases at the Board's request, keep a copy of the Board's financial records (the originals of all bills to be given to the Town Treasurer by the recording secretary after Board approval).
- B. When a member is unable to act because of interest, physical incapacity, absence, or any other reason satisfactory to the chairperson, the chairperson shall designate an Associate Member to sit in his or her stead.
- C. The associate members are expected to attend all meetings of the Board and to participate in its proceedings, but may vote only when they have been designated by the chairperson to act for a member.

- D. Any member who has a direct or indirect pecuniary interest or who for other reasons has a bias in any question on which he or she must decide must take full disclosure of that interest or bias on the record and must abstain from voting or attempting to influence a decision in his or her capacity as a Planning Board Member. A Board member who is an abutter and/or required by State Law or Town ordinance to receive notice may not participate in discussion of or a discussion on the related matter. Any question of whether a Member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- E. The chairperson shall call at least one regular meeting of the Board each month unless there are no agenda items for a given regular meeting. Regular meetings of the Planning Board shall be held on the fourth Thursday of each month. Meetings shall begin at 6:00 p.m. The Board may establish a time for adjournment of meetings that may be altered by a majority vote of the members at any meeting. The chairperson may call special meetings of the Board when necessary. Notice of special meetings shall be posted as required by law.
- F. No meeting of the Board shall be held without a quorum consisting of three members or associate members authorized to vote. In the event a quorum is not present, the Board members are authorized to request that the chairperson reschedule the meeting to another date and to adjourn the meeting. If the date is other than a regular meeting date, adequate notice shall be provided to Board members, municipal officials, and the general public.
- G. Notice of regular, special and rescheduled meetings shall be posted as required by law.

5. Rules for the Transaction of Business:

- A. Order of Business
 - 1. Call the Meeting to order.
 - 2. Review the minutes of the previous meeting.
 - 3. Call for the Committee Reports.
 - 4. Discussion of Reports.
 - 5. Old Business
 - 6. New Business
 - 7. Establish action items for the next meeting.
 - 8. Adjournment
- B. Business shall be conducted in accord with the laws of the State of Maine, Town ordinances, and pertinent parts of the current edition of Robert's Rules.

6. Procedures for Public Hearings

- A. The Board may schedule a public hearing on any application within the time limits established by laws of the State of Maine or Town ordinances.
- B. The Board shall cause notice to be given as required by State Law and Town Ordinances.
- C. The order of business
 - 1. The chairperson calls the hearing to order and determines whether there is a quorum.
 - 2. The chairperson describes the purpose of the hearing, the nature of the case, and the general procedures to be followed, including but not limited to speaking time allotted to the applicant, interested parties and the public and other procedural matters.
 - 3. The Board decides whether the applicant has sufficient right, title, or interest to appear before the Board.
 - 4. The Board states its jurisdiction over the application.
 - 5. The Board determines which individuals attending the hearing are “interested parties.” “Interested parties” are those persons who request to offer testimony and evidence and to participate in oral cross examination or who would be directly or adversely affected by the Board’s decision. Interested parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests are substantially similar and such consolidation would expedite the hearing. Municipal officers, the Code Enforcement Officer shall automatically be made parties to the proceeding.
 - 6. Interested parties will be required to state for the record their name, residence, business or professional affiliation, the nature of their interest in the hearing and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency, or other legal entity for the purpose of the hearing.
 - 7. The chairperson will incorporate into the record correspondence and reports filed with the Board prior to the hearing. This material shall be available for public inspection.
 - 8. The applicant is given the opportunity to present his or her case without interruption.

9. The Board may ask questions of the applicant and interested parties may ask questions of the applicant through the chairperson.
 10. The interested parties are given the opportunity to present their testimony, starting with the proponents followed by the opponents. The Board may call its own witnesses, such as the Code Enforcement Officer, planner, or any consultant.
 11. The applicant may ask questions of the interested parties and Board witnesses through the chairperson.
 12. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
 13. The Board shall receive comments and questions from observers and interested citizens who wish to express their views.
 14. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All interested parties shall be notified of the date, time, and place of the continued hearing, and the reasons for the continuance.
 15. Upon such request made prior to or during the course of the hearing, the chairperson may permit persons participating in any hearing pursuant to these by-laws to file written statements with the Board for inclusion in the record after the conclusion of the hearing within such time and upon such notification to the other participants as the chairperson may require.
 16. Board members and its consultants may prepare findings and conclusions at any public meeting prior to the decision being finalized.
- D. The Board shall exclude irrelevant, immaterial, or unduly repetitious evidence.
 - E. The Board may modify or waive any of the above rules upon good cause shown.
 - F. Any participant or other member of the public may obtain a copy of the record from the Board upon payment of the cost of transcription, reproduction, and postage.

7. Site Visits

Board members may make site visits to properties that relate to applications or other pending matters before the Board. Board members and representatives of the Town may take photographs and video images so long as any such material is placed in the applicant's file with the Town. Members shall state on the record if they have made any site visits prior to any vote on the application or pending matter. If a quorum of Board

members makes any site visit, no decisions may be made on the application or pending matter during the site visit unless the site visit has been properly designated as a Planning Board meeting.

8. Work Sessions

- A. The Chairperson may, with the approval of the majority of the Board, call work sessions for the purpose of discussing the effective administration of relevant Town ordinances, Planning Board by-laws, and other items relating to the Board's activities. A quorum shall be present to conduct any work sessions.
- B. Work sessions are open to the public. The general public shall not participate in the work session unless requested to do so by a majority of the Board.

9. Executive Sessions

- A. Upon a majority vote of Planning Board members present, the Board may call for an executive session to discuss pending or potential litigation, or for any other purpose permitted by law.
- B. Within the executive session only that business for which the session was called will be discussed, and that no official action be taken by the members.

10. Decisions

- A. Decisions by the Board shall be made within the time limits established by laws of the State of Maine and Town ordinances
- B. The final decision on any matter before the Board shall be included in the Planning Board minutes and may also be issued as a written order signed by the chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and minutes of the meetings/hearings shall constitute the record.
- C. A majority of the voting members present is needed to pass any motion. When a motion results in a tie vote, the motion fails.
- D. All decisions must be based on whether the applicant has provided sufficient evidence to demonstrate that all applicable statutory and ordinance requirements have been met. The Board, in reaching said decision, shall be guided by standards specified in the applicable statute, Town ordinance, or regulation as well as by community goals and policies as specified in a comprehensive plan, if any, and by the findings of the Board, in each case.

11. Appeals

A. Appeal of any decision of the Board is governed by the laws of the State of Maine and Town ordinances.

12. Amendments

A. Any By-law change or amendment must be presented in written form at a regular Planning Board meeting. The change, after having been considered in final written form by two regular meetings of the Planning Board, shall become effective upon its adoption by a majority vote of the Board.

B. 13. Severability

A. The invalidity of any section or provision of these Bylaws shall not be held to invalidate any other section or provision of these bylaws.

AMENDED BY VOTE OF THE
PLANNING BOARD at a regular meeting on April 28, 2022

Chairperson Nathan Drummond

A True Copy Attest:



Tina Magno, Town Clerk