

Northport Planning Board By-Laws

Article I – Name

The name of this organization shall be the Planning Board of the Town of Northport (hereinafter referred to as “the Planning Board”).

Article II – General Provisions

Section 1. Business of the Board shall be conducted in accordance with Maine Statutes, Town Ordinances, and Rules of Order.

Section 2. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the Town upon which it may be expected to act, as well as with the applicable State statutes.

Section 3. These by-laws shall be construed so as to enable the Board to accomplish its duties and responsibilities in a just, speedy, and inexpensive manner.

Article III – Purpose

Section 1. The purpose of the Planning Board shall be to implement ordinances applicable to Planning Board responsibilities of the town of Northport, Maine.

Section 2. The Planning Board shall have and exercise all powers as may be authorized or required by the ordinances of the Town of Northport and the laws of the State of Maine.

Section 3. It shall be the policy of the Planning Board to administer all pertinent laws, statutes, ordinances, etc. in a fair and impartial manner without regard for race, creed, national origin, ethnic background, sex, religious preference, handicap, and/or social community standing of any person. All decisions by the Board shall be made as expeditiously as possible, following careful consideration and due deliberation, with the interests of the individual or organization being considered equally with regard to the health, welfare, and future/best interests of the community.

Article IV – Membership

Section 1. The Planning Board shall consist of five (5) regular members and two (2) alternate members, who shall be appointed by the Town Selectmen by majority vote. Regular members serve staggered three (3) year terms or less to initially implement three (3) year terms. Alternates are appointed by the Town Selectmen for (1) year terms. Applications of Interest shall be made in writing to the Select Board. Yearly appointments for new members and renewal of expired terms by the Town Selectmen shall be made within thirty (30) days (to the extent practical) of the adjournment of the Annual Town Meeting.

Section 2. When there is a permanent vacancy, the senior alternate may become a regular member to serve the unexpired term of the vacancy or the Town Selectmen may, as soon as possible, appoint another person to serve the unexpired term of vacancy.

Section 3. Alternate members shall attend all Planning Board meetings and participate in proceedings, but shall not vote unless designated by the Chairperson to act for a regular member who is absent or otherwise unable to vote.

Section 4. Before assuming the duties of office, members shall be sworn in by the Town Clerk or by any other person authorized by law to administrate an oath. The Town Clerk shall make a record that the member was duly sworn.

Section 5. A Planning Board regular or alternate member who is unable to attend a regularly scheduled or special meeting must notify the Chairperson before said meeting, stating the reason for non-attendance. The Chairperson, at his or her discretion, may then excuse the member's attendance at that meeting. Failure of a Planning Board regular or alternate member to attend three (3) unexcused consecutive, regularly scheduled meetings of the Planning Board or five (5) unexcused regular meetings in any twelve (12) month period shall constitute an attendance violation. In such a case, after notifying the Planning Board and the person in question, the Chairperson of the Planning Board may inform the Town Selectmen that the person is in attendance violation and may request that the Selectmen appoint a new member to complete the unexpired term.

Section 6. Up to one Planning Board member may attend a duly noticed Planning Board meeting via telephone conference, so long as all communication is audible to the public and questions may be asked of the telephoning member to the same extent as those other Board members physically present. This is only to be used in unavoidable circumstances where schedules would not otherwise accommodate physical presence.

Section 7. Members must be 18, Northport town resident, state resident, and U.S. citizen.

Article V – Officers and Duties

Section 1. The Board annually shall elect for a term of one year, a Chairperson and Vice-Chairperson from its regular members. If the Board of Selectmen does not provide a Secretary, the Board shall elect some, also from its regular members. The election shall take place at the Planning Board's first regularly scheduled meeting in July. Any officer is eligible for re-election.

Section 2. The duties of the officers shall be as follows:

(a) The Chairperson shall be eligible to vote on all matters. The Chairperson shall preside at all meetings of the Planning Board at which the Chairperson is present. The Chairperson shall represent the Planning Board and be official spokesperson in all matters pertaining to the press and media. The Chairperson shall be responsible for the orientation of all new members. At meetings and hearings, the Chairperson shall have the authority to take actions as may be ordered by the Board or that are necessary for the efficient and orderly conduct of the meeting or hearing, consistent with these by-laws and applicable to statutes.

(b) The Vice-Chairperson shall preside at all meetings of the Planning Board in the absence of the Chairperson and shall have the powers and perform the duties of the Chairperson in the Chairperson's absence. Chairperson shall notify the Vice-Chairperson of their absence, if possible, before a meeting convenes. In case of lateness, the Vice-Chairperson shall start the meeting and proceed until the Chairperson's arrival.

(c) A Secretary, as appointed by the Chairperson in the absence of the Secretary, shall be responsible for the minutes of the Planning Board and all such additional duties assigned by the Planning Board.

(d) The Code Officer or their assistant shall be responsible for notifying concerned parties of all official actions. The Code Officer shall prepare the agenda for all regular and special meetings of the Planning Board and distribute it to all Planning Board members by Friday afternoon before a regularly scheduled 2nd Tuesday meeting. If an emergency or special meeting is called by the Chairperson, the Chairperson or CEO will notify the Planning Board members of the agenda of said meeting upon notification of the meeting.

Minutes of all Planning Board meetings shall be prepared and distributed to all Planning Board regular and alternate members before the next Board meeting where these minutes shall be officially approved, subject to corrections. Such approved minutes shall constitute the official record of the meetings of the Board. The Secretary shall post a copy of all approved minutes on the Town website.

Minutes of all meetings of the Planning Board shall be distributed to the members of the Board, Town Clerk, Town Administrator, and to such other persons as the Chairperson deems advisable.

Individual Board members may file with the Secretary, to become part of the permanent record, a Minority Report on any official proceeding of the Board involving a vote or Call for Question.

Section 5. An officer may be removed from office for cause, by a two-thirds majority vote of the regular members and alternates at a duly convened meeting of the Board.

(a) A special election of any available Board member shall be held at the next regular meeting or special meeting to fill an officer's vacancy to complete the unexpired term of an officer's responsibilities/office.

Article VI – Meetings

Section 1. Regular meetings of the Planning Board shall be on the second Tuesday of each month, provided there is business to conduct, unless said date falls on a legal holiday or during severe weather. If the Chairperson, after consulting with the CEO, elects to cancel a regular meeting due to lack of business to conduct, the Chairperson or CEO shall notify all Planning Board members and the Town Clerk by the end of the business day on the Friday before the scheduled Tuesday meeting.

(a) Special meetings may be called by the Chairperson or at the call of more than half the regular members directed to the Chairperson. Emergency meetings may be called consistent with Maine law regarding notice requirements.

(b) A quorum of the Board that is necessary to conduct official business shall consist of at least three members of the five person Board. A concurring vote of a majority of those present and eligible to vote is required in order for the Planning Board to act officially. However, no official action may be taken unless the majority includes at least three votes.

(c) Meetings shall be open to the public, except when in executive session (MRSA 403).

Section 2. The order of business at regular meetings of the Board shall be as follows: Chairperson calls the meeting to order. Chairperson determines whether there is a quorum. Approval of the Minutes of the preceding meeting. Public Hearing (when scheduled), conducted per Section 3 of this article. Old Business. New Business. Administrative Business. Other Business. Public Comment. Adjournment.

To insure equal time for Board members' input during administrative business and/or other business, other persons attending the meeting will not be recognized by the Chairperson until such time as the Chairperson has designated the meeting as a "Public Comment."

During open discussion, the Chairperson will recognize and identify by name the interested parties who wish to speak. During open discussion, the Board shall receive comments and questions from all observers and interested citizens who wish to express their views. In unusually complex situations or where there is a large number of participants or where the circumstances are such that the input by the public would impede the meeting unreasonably, the Chairperson may require that such examination be conducted in the form of written questions submitted to the Board to be answered at a subsequent meeting.

The Board may waive any of the above rules upon good cause shown.

If the meeting has not been advertised as a "public hearing," members of the general public may attend and listen, but have no statutory right to ask questions or to comment verbally under the Right to Know Law.

Section 3. General Conduct of the Public Hearing. The Board shall make a record of the hearing by appropriate means. If a sound recording is made, any person shall have the opportunity to listen to the recording at such reasonable times and at such a place as may be designated by the Board. Witnesses shall be required to state for the record their name, residence address, business address, business or professional affiliation, the nature of their interest in the hearing and whom they represent.

All persons shall be entitled to attend and to make written, taped, filmed records, or live broadcasts of hearings provided it does not interfere with the orderly conduct of the hearing (1 MRSA 404). The placement and use of tv and video cameras, still cameras, motion picture cameras, microphones or other sound or video recording devices or equipment at the hearings for the purpose of recording the proceedings may be regulated by the Chairperson so as to avoid interference with the orderly conduct of the hearing.

The **Sequence of Participation at a Public Hearing** shall be as follows:

1. The Chairperson shall call the meeting to order.
2. The Chairperson shall determine whether there is a quorum.
3. The Chairperson shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.
4. Presentation by applicant and his/her attorney and witnesses without interruption.
5. Questions through the Chairperson to the applicant by Board members and people who will be directly affected by the project, i.e. abutters, and requests for more detailed information on the evidence presented by the applicant.
6. Presentations by abutters or others who will be directly affected by the project and their attorneys and witnesses.
7. Questions by the applicant and Board members through the Chairperson to the people directly affected and the witnesses who made presentations.
8. Rebuttal statements by any people who testified previously.
9. Comments or questions by other interested people in the audience.
10. Once everyone has had an opportunity to be heard to the extent allowed by the Board's procedures, the Chairperson shall close the hearing.
11. At the conclusion of the hearing, no further evidence or testimony will be allowed into the record except as provided in (12) below.
12. 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 regulations to file proposed findings, determinations or other 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.

All hearings conducted pursuant to these rules may be continued for reasonable cause and reconvened from time to time and from place to place as may be determined by a majority of the Board members present. Continuances may be granted at the request of any person participating in such hearing if it is determined that a continuance is necessary. This provision shall not be interpreted in such a fashion as to cause unreasonable or needless delay in any hearing.

All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The Board or the Chairperson shall notify interested persons and the public in such manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

Section 4. Evidence

(a) The Board shall provide as a matter of policy for exclusion of irrelevant, immaterial or unduly repetitious evidence.

(b) The Board may, at any time, take notice of judicially cognizable fact, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within the specialized knowledge of the Board.

(c) **Documentary and Real Evidence:** All documents, materials and objects offered as evidence shall, if accepted, be numbered or otherwise identified. Documentary evidence may be received in the form of copies of excerpts if the original is not readily available. The CEO or the Chairperson shall provide the Board with an appropriate number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size or character as not be reasonably susceptible of reproduction. All documents, materials and objects accepted into evidence shall be made available during the course of the hearing for public examination and explanation and shall become part of the record of the proceedings.

(d) All objections to rulings of the Chairperson regarding evidence or procedure shall be made during the course of the hearing. If after the close of the hearing and during its deliberations, the Board determines that any ruling of the Chairperson was in error, it may reopen the hearing or take other action as it deems appropriate to correct the error.

Section 5. The record of the hearing shall consist of the recording of the hearing, all exhibits, all briefs, proposed findings and rulings thereon, and any proposed findings of fact and conclusions of the Chairperson. Such record shall be reported to the Board for its decision.

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.

Article VII – Conflicts of Interest

Section 1. No Planning Board member shall vote on any question in which he or she has a direct or indirect pecuniary interest. (30 MRSA 2251)

Section 2. A Planning Board member shall be deemed to have a direct or indirect interest in a question where he or she is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates only where the member is directly or indirectly the owner of a least ten percent interest in the business or other economic entity. (30 MRSA 2251)

Section 3. On any question where a Planning Board member has direct or indirect pecuniary interest, the member shall make full disclosure of his interest prior to any action being taken and shall abstain from

voting and from otherwise attempting to influence a decision in which he has an interest. The disclosure and a notice of the member's abstention from taking part in a decision in which the member has an interest shall be recorded in the official minutes of the meeting. (30 MRSA 2251)

Section 4. Even if no legal conflict of interest exists, a Board member would be well advised to avoid even the appearance of a conflict in order to avoid the appearance of impropriety and main the public's confidence in the Board's work.

Section 5. If a Board member does not believe that he or she has a conflict or bias, but the majority of the Board believes that a conflict or bias does exist, the majority of the Board may vote on that issue. If the Board finds that a conflict or bias does exist based on the facts, then the Board may order the conflicted or biased Board member not to participate and to step down and sit in the audience. If a Board member thinks that he or she may have a conflict of bias which would legally disqualify him or her, but is not sure, that Board member may request the rest of the Board to consider the facts and vote on the matter.

Article VIII – Rules of Procedure

Section 1. An individual wishing to assure Planning Board consideration of any matter, including subdivision review, site plan review, conditional use review or conditional lot dimension review, shall notify the CEO or Chairperson, at least 14 calendar days in advance of a regular or special meeting. Said notification shall include 8 copies of any materials the Planning Board will be asked to consider at the meeting. The CEO shall distribute to Board members all agenda items and supplementary materials 4 calendar days prior to the meeting. The Chairperson shall prepare and submit the agenda and all supplementary materials to all Planning Board members at least 7 days prior to the meeting.

Section 2. Authorization to officially speak for or represent a property owner at any Planning Board meeting must be in writing from the property owner and signed by the owner.

Section 3. Meetings shall be conducted by the Chairperson in accordance with Maine Statutes, Town Ordinances, and these By-Laws. However, the Board may establish special rules for the conduct of any business provided such establishment of rules does not violate federal, state, or town law/ordinance/statute.

Section 4. No member shall make any public statement, written or oral, criticizing the Planning Board or any member thereof where such expressions are defamatory, unlawful, or of such a nature that it would tend to impair the operation of the Planning Board or made with reckless disregard for its truth or falsity.

Section 5. No member shall discuss the matter before the Board or any matter that may come before the Board with a Board member, the public, or media.

Article IX – Legal Effect of By-Laws

Nothing in these By-Laws shall be deemed to modify or supplant any provision of any ordinance or statute pertaining to the Planning Board. The provisions of any such ordinance or statute shall remain in full force and effect and shall control these By-Laws if they should conflict.

Article X Amendments

The Planning Board shall have the power to amend these By-Laws by a two-thirds vote of those members present and voting at a Planning Board meeting provided that written notice shall have been given each member at the meeting prior to the meeting where there is to be a vote to amend, which notice shall state the text of the new proposed By-Laws amendment.

Northport Planning Board By-Laws

Approved and accepted on the 8th day of May, 2012

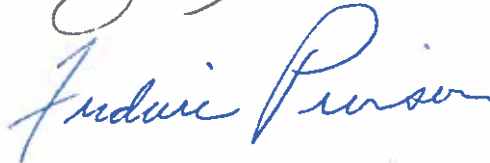
Chairperson



Vice-Chairperson



Member



Member

Member

Member (Alternate)

Member (Alternate)



