

CHAPTER XIV

**TOWN OF NOBLEBOR PLANNING BOARD BY-LAWS
MUNICIPALITY OF NOBLEBORO, MAINE**

Adopted May 20, 1999

Amended April 20, 2001

Amended September 15, 2022

ADOPTED BY VOTE OF THE NOBLEBORO PLANNING BOARD

At a Regular Meeting of the Planning Board on:

Thursday, October 20, 2022_____

Chairperson (printed name): Mathew "Matt" Lewis_____

Chairperson (signature):_____

ARTICLE 1: ORGANIZATION

1.1. OFFICERS AND THEIR DUTIES

- 1.1.1. The officers of the Board shall consist of a: Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice-Chairperson shall be full members of the Board. No Board member may hold more than one office at once.

- 1.1.2 The Chairperson shall preside at all meetings and hearings of the Nobleboro Planning Board. The Chairperson has the authority to appoint all committees, to call all work sessions, to set meeting agenda, designate which alternate member shall serve in place of a regular member, and to preside over executive sessions. The Chairperson shall notify applicants of their time on the agenda: shall write a finding of fact for each application, whether approved or denied: shall notify applicants of any needed forms and fees; shall act as liaison between the Planning Board and Selectmen, between the Planning Board and Code Enforcement Officer; shall read at each meeting all correspondence received since the previous meeting and at each meeting report on transactions with the Selectmen, Town Attorney, and Code Enforcement Officer since the previous meeting.

- 1.1.3 The Vice-Chairperson shall act for the Chairperson in his or her absence. The Vice-Chairperson shall also be responsible for the mentoring and orientation of new members, including seeing, with the assistance of Nobleboro's Office Administrator, to their being supplied with appropriate materials (ordinance, by-laws, forms, and organizing attendance at seminars and other learning or tutorial events. The Vice Chairperson will give notice of the Planning Board's meetings and hearings, in consultation with the Board Chairperson will prepare and distribute agendas of the regular meeting, public hearing and special meetings of the Board.

- 1.1.4 The Secretary shall be responsible for noting changes in state and federal laws upon notification by state and federal agencies, and the Town's Code Enforcement Officer as affects the Board and local ordinances: keeping a calendar with regard to time limits, project time-tables, schedules, and the like, and keeping the Board's Chairperson apprised of same: maintaining Planning Board Application forms and notifying Board for any needed changes in same: revising forms at the direction of the Board: maintaining files containing applications, permits, fee schedules, and other forms used by the Board; and take minutes at the Planning Board's regular monthly meetings as well as at public hearings, site visits and other meetings which the Board Clerk cannot attend.

1.2 ELECTION OF OFFICERS

- 1.2.1 Nominations and election of officers shall be made at the Board's annual organizational meeting, which shall be held on the date of the first regular Planning Board meeting after Nobleboro's Annual Town Meeting.
- 1.2.2 The candidate for each office receiving a majority vote shall serve for the year or until his or her successor shall take office.
- 1.2.3 Vacancies of officers shall immediately be filled by regular election procedures.

1.3 OTHER BOARD MEMBERS

- 1.3.1 An alternate Board member may attend all meetings and participate in the proceedings but may vote only when designated by the Chairperson to sit in for an appointed member.
- 1.3.2 When a Board member is unable to participate because of a conflict of interest, absence or any other reason satisfactory to the Chairperson, the Chairperson shall designate an alternate member to act for the regular member in that matter.

1.4 EMPLOYEES

- 1.4.1 The Board may employ such staff and/or experts as provided in local ordinances or regulations within budget limitation and according to municipal contracting and personnel procedures to aid the Board in its work. Appointments shall be made by a majority vote of the entire membership and approved by the Nobleboro Select Board.
- 1.4.2 The Clerk of the Board, hired by the Town's Select Board, shall be responsible for keeping the minutes and records of the Board and other duties normally carried out by a Board Clerk. At the direction of the Chairperson, the Clerk maybe asked to give notice of the Planning Board's meetings and hearings, distribute agendas of the regular meeting, public hearing and special meetings. The clerk shall keep a record of all resolutions, votes, transactions, correspondence, findings, and conclusions of the Board. The Clerk shall keep track of Board members' voting eligibility with regard to each application (requirement for "perfect attendance")

1.5 RECORDS

- 1.5.1 All records shall be maintained at the Nobleboro Town Office and shall be deemed public and may be inspected during normal business hours.

ARTICLE 2: POWERS AND DUTIES

- 2.1 The Board shall perform such duties and exercise such powers as are provided in the Municipal Ordinances and State laws.
- 2.2 The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

ARTICLE 3: MEETING ORGANIZATION

3.1 REGULAR MEETINGS

- 3.1.1 Meetings shall be held on the third (3rd) Thursday of the month at 6:30 p.m. during the months of April – October and at 5:30 p.m. during the months of November – March. Board meetings shall be held in the Community Meeting Room at the Nobleboro Town Office or another suitable meeting place. The Chairperson may schedule special meetings on twenty-four-hour (24-hour) notice to the members, the municipal officers, the local press and media outlets.
- 3.1.2 All meetings shall be open to the public. Upon request a Zoom link for remote participation will be provided to members of the public
- 3.1.3 No official business may be conducted without a quorum present. A quorum shall consist of three (3) voting members.
- 3.1.4 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 present except the member who is being challenged.
- 3.1.5 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, the Vice Chair or upon request the Board Clerk shall provide adequate notice to the Board members, municipal officials, local press and media outlets and the general public.
- 3.1.6 All comments addressed to the Board shall be made through the Chairperson.
- 3.1.7 All matters shall be decided by vote. A majority of voting members is needed to pass any motion. When a motion results in a tie vote the motion fails. The board may act by voice vote, unless any member requests a roll call, in which event the vote will be recorded by roll call.

3.2 AGENDAS

3.2.1 Regular meeting agendas shall follow the following format:

1. Call to Order
2. Welcome and introductions
3. Roll call and determination of a quorum
4. Review and acceptance of the minutes from the previous meeting
5. Correspondence
5. Public hearing (if one has been scheduled – separate agenda required)
6. Old business
7. New business
8. Other
9. Public Comment (time permitting)
10. Date(s) for the next regular meeting, public hearing, site visit, work session or other special meeting
11. Adjournment.

3.2.2 New business may automatically be placed on the agenda up until 4:00 p.m., of the first (1st) Thursday of each month. Thereafter, new business may be added to the agenda only on the written approval of the Chairperson and for good cause. Agendas shall be posted in the Town Office and mailed to the Board members at least seven (7) days before any Board meeting or Public Hearing.

3.2.3 New Applications for Site Review, upon receipt at the municipal office, shall be placed on the next available agenda, and the applicant so notified of the date and time. At that initial meeting, the Board shall make written findings as to whether the application is complete, and shall take all necessary steps to notify the applicant of the Board's determination.

3.3 WORK SESSIONS

3.3.1 The Chairperson may, with the approval of the majority of the Board, call work sessions for the purpose of reviewing and making recommendations for updates, adjustments or changes to the Town's Comprehensive Plan, Land Use Ordinances and/or other proposed ordinances and regulations, Planning Board By-Laws, and other information work items relating to the Board's

activities, providing the public is notified. A quorum shall be present to conduct any business.

- 3.3.2 Work sessions are open to the public. The general public shall be barred from addressing the Board unless a majority of Board members agree to permit the public to speak.

3.4 EXECUTIVE SESSIONS

- 3.4.1 Upon a vote of at least 3/5 of the members, present and voting, the Board may call for an Executive Session for any purpose allowed under State Law.

- 3.4.2 Within the Executive Session, the Chairperson shall ensure that only the business for which the session was called is discussed, and that no official action is taken.

ARTICLE 4: HEARINGS

- 4.1 The Board may schedule a Public Hearing on any application, within the time limits established by State law or local ordinance.

- 4.2 The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality at least seven (7) days prior to hearing. The Board shall also cause notice of the hearing to be given to the municipal officers at least seven (7) days in advance. In accordance with State law and local ordinances owners of property abutting that property for which the application is taken shall be notified by mail at least seven (7) days prior to the date of the hearing. The Board's Clerk shall be responsible for making said notification when required.

4.3 THE ORDER OF BUSINESS

- 4.3.1 The Chairperson calls the hearing to order and determines whether or not there is a quorum.
- 4.3.2 The Chairperson then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.
- 4.3.3 The Board decides whether the Applicant has sufficient right, title or interest to appear before the Board.
- 4.3.4 The Board determines whether it has jurisdiction over the application.
- 4.3.5 The Board determines which individuals attending the hearing are "Interested parties" and of these persons who may have a direct and significant interest that may be affected by the application and the Board's

decision on it. This group would include abutting property owners and those who might be adversely affected by the Board's decision. If granted that status, they may offer testimony and evidence and participate in oral cross-examination. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal officers and the Code Enforcement Officer shall automatically be made parties to the proceeding. 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.

- 4.3.6 The Chairperson gives a statement of the case and incorporates into the record correspondence and documents filed with the Board prior to the hearing.
- 4.3.7 The Applicant is given the opportunity to present his or her case without interruption.
- 4.3.8 The Board and interested parties may ask questions of the Applicant through the Chair.
- 4.3.9 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 its Consultant.
- 4.3.10 The Applicant may ask questions of the interested parties and Board witnesses directly.
- 4.3.11 All parties are given the opportunity to refute or rebut statements made throughout the hearing.
- 4.3.12 The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
- 4.3.13 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.
- 4.3.14 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.

4.3.15 Board members and the Board's Consultants have the right to prepare findings and conclusions at any public meeting prior to the decision being finalized.

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

ARTICLE 5: DECISIONS

5.1 Decisions by the Board shall be made within the time limits established by State law and local ordinances and regulations.

5.2 The final decision on any matter before the Board shall be issued as a written order signed by the Chairperson. The record of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and signed minutes of the meetings/hearing shall constitute the record. All decisions shall become a part of the record and shall include a specific statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial therefore. At a minimum, the record should specifically state that the applicant either has or has not met all applicable state statutory requirements, all applicable municipal ordinances, and all applicable municipal regulations, and those legal documents shall be specifically referenced.

5.3 Notice of any decision, including the finding and conclusions/minutes, shall be sent by mail or hand-delivered to the Applicant, each interested party, or their representative or agent within seven (7) days of being rendered.

5.4 Decisions of the Board shall be immediately filed in the Office of the Town Clerk. The date of filing of each decision shall be entered in the official records and minutes of the Board.

ARTICLE 6: APPEALS

6.1 Appeal of the decision of the Board is governed by State and local laws and ordinances.

6.1 The By-Laws may be amended by a majority vote of the Board at a regularly scheduled Board meeting,

ARTICLE 7: SEVERABILITY

7.1 The invalidity of any section or provision of these By-Laws shall not be held to invalidate any other section or provision of these By-Laws.

