**Town of Bremen**

# PLANNING BOARD BYLAWS

For adoption by the Board at its meeting of:

 **May 14, 2019**

**Section 1. Name**

This organization shall be known as the Bremen Planning Board (hereinafter referred to as the Board).

**Section 2. Purpose**

These Bylaws are established by the Board to aid in the fulfillment of its responsibilities under local ordinances and the laws of the State of Maine, and are intended to ensure fair and equitable treatment for all parties involved in the proceedings of the Board.

**Section 3. Membership**

Board members and alternate members shall be elected or appointed in accordance with local ordinances and applicable laws of the State of Maine and shall not be paid for their service.

**Section 4. Officers and Duties**

A. A chair and a vice-chair shall be elected annually by majority vote of the members present and eligible to vote at the first regular meeting of the Board following Annual Town Meeting, and shall assume their duties after the adjournment of the meeting when the vote was taken.

B. In the absence of the chair, the vice-chair shall assume the duties of the chair.

C. The chair shall preside at all meetings of the Board and is ultimately responsible for the conduct of meetings.

D. Should both the chair and the vice-chair be absent from a meeting, a temporary chair shall be appointed by the chair prior to the meeting or, if necessary, elected by a majority of the members present at that meeting.

E. The chair shall call all regular and special meetings, workshops, and site visits. The Town Office shall provide appropriate public notice.

F. The chair shall represent the Board and be its official spokesperson in all matters, or designate another member of the Board to carry out this responsibility.

G. The chair shall be responsible for ensuring that new members and alternate members receive orientation and training.

H. The secretary’s duties shall include keeping a record of the Board’s decisions including minutes, findings of fact, and correspondence along with all application materials submitted. Application materials and related work products shall be made available to Board members no later than the close of business on the Friday prior to a regular meeting.

**Section 5. Schedule and Notice of Meetings**

A. Regular monthly meetings of the Board shall be held at 7:00 p.m. on the second Tuesday of each month at the Bremen Town Office. Special meetings may be called, at other times and places, as determined by the chair on any matters before the Board.

B. The agenda for regular and special meetings shall be established by the chair, made available to all Board members, and posted for the public at least five (5) days prior to the meeting or as required by local ordinances or the laws of the State of Maine.

C. Site visits may be scheduled as deemed necessary by the chair and, if so, public notice of the time and place shall be included in the public notice for the Board’s next regular meeting.

D. Workshops may be scheduled as deemed necessary by the chair. Notice of the time and place shall be posted at least two (2) days in advance.

**Section 6. Conduct of Meetings**

A. General Procedure

 1. If a quorum as defined in the Planning Board Ordinance is present, the chair shall call a regular or special meeting to order at the appointed time and

 place.

 2. In the absence of a quorum, review and deliberations on applications for land

 use or construction approvals shall be tabled. At the chair’s discretion, a

 workshop may ensue to continue discussion on any other matters on the

 agenda.

 3. The agenda may be rearranged at the chair’s discretion.

 4. Meetings shall be conducted in accordance with local ordinances, the laws of the State of Maine, and these Bylaws. The chair shall preserve decorum and decide all questions of order and procedure. From time to time, the Board may establish procedures for the conduct of various types of regular

 business, including flowcharts, checklists and application forms.

 5. Information relating to applications for land use or construction approvals

 shall be considered by the Board only in one or more of the following

 manners:

 a. As a pre-application presentation;

 b. As a part of a formal request for approval by the Board submitted in

 accordance with the local land use and/or subdivision ordinances and application procedures established by the Board;

 c. As verbal or written testimony during a public hearing;

 d. Or otherwise, at the request of the majority of the members present

 and duly authorized to vote on the agenda item in question.

 6. A presentation on behalf of an applicant for land use or construction approval shall not exceed fifteen (15) minutes in length without permission of the

 chair.

 7. The Board shall not begin to hear any new agenda item commencing after

 9:30 p.m. except by unanimous vote of members present and eligible to vote on that item.

 8. No meeting of the Board shall continue beyond 11:00 p.m. except upon

 unanimous vote of members present and eligible to vote at that time.

B. Public Participation

 1. Members of the public wishing to address the Board concerning an agenda item at a regular or special meeting shall wait until the chair asks for public comment. When recognized by the chair, the speaker shall state the

 speaker's name and address in an audible tone for the record. The speaker

 shall limit remarks to the issue under discussion. The period for public

 comment shall be closed at the discretion of the chair.

 2. The chair may provide additional opportunities for public comment with the

 consent of the majority of the members present and eligible to vote on the

 item in question.

 3. Persons wishing to address the Board on an item not appearing on the

 agenda at a regular or special meeting may do so only after disposition of all

 items appearing on the agenda, and only at the discretion of the chair.

 4. Members of the public may attend workshops and site visits. At the

 discretion of the chair, public comment may be permitted.

 5. The chair may elect whether to keep a record of any comments made during

 workshops and site visits. At the discretion of the chair, any such comments

 may be entered into the record for consideration at a subsequent regular or

 special meeting.

C. Conflict of Interest

 1. Prior to consideration of any application for land use or construction

 approval, each member shall declare any potential conflict of interest with

 respect to the agenda item in question.

 2. If the appearance of a conflict is raised and if the individual in question

 asserts that the relevant facts or relationships will not impair his or her

 objectivity in deliberations, then the Board shall determine by majority vote

 whether or not a conflict exists. Anyone thus found to have a conflict of

interest shall be ineligible to vote on the agenda item in question and participate in deliberations as a member of the Board.

3. A Board member found to have a conflict of interest may participate in discussion of the item as a member of the public from a seat in the audience.

4. A member may voluntarily refrain from participation on any agenda item,

 regardless of the outcome of such a vote regarding any possible conflict.

5. The chair may appoint an alternate member or members who do not have a conflict as eligible to vote so long as the total number of members eligible to vote on the item in question does not exceed seven (7).

 6. If a quorum of members eligible to vote on an agenda item is not achieved by

 the appointment of alternate members, all review and deliberation on that

 item shall be tabled until a future regular or special meeting of the Board.

D. Voting Procedures

 1. The Board shall vote only by motion, second and discussion, except on the

 question of whether or not to adjourn a meeting. A vote to adjourn shall be called immediately, without discussion, as soon as a motion to adjourn and a

 second are made. Each motion shall be confined to one subject, which shall

 be clearly expressed.

 2. In forming its decisions on applications for land use or construction

 approvals, the Board may adopt selected findings of fact, by vote and in

 writing.

3. A motion is passed upon an affirmative vote by a majority of the members present and eligible to vote on the item.

4. If a motion results in a tie vote, the chair shall attempt to call a second vote after further discussion, clarification, or new information on issues that could result in a different vote by one or more of the members voting.

5. If the tie cannot be broken, the motion is considered to have been defeated.

6. The chair shall declare the result of all votes taken. If any member doubts

 the result, the chair shall order a recount of the affirmative and negative

 votes on the item in question without debate. The secretary shall record all

 votes.

 7. The Board may reconsider any decision on a request for land use or

 construction approvals within forty-five (45) days of the decision. In such

 cases, a motion to reconsider shall be made by a member who voted with

 the majority on the item in question.

 8. No action requiring a vote may be taken at a site visit or workshop. Board

 action may be influenced by observations made on site or workshop

 discussion, but only during a subsequent regular or special meeting, after

 such discussion is reviewed for the record.

**Section 7. Adoption and Amendments**

These Bylaws may be adopted or amended by an affirmative vote of the members present at any regular meeting of the Board, provided the proposed Bylaws or the proposed amendment has been distributed in draft form and discussed at the previous regular meeting of the Board.