

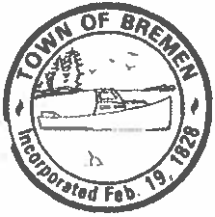
TOWN OF BREMEN
PO BOX 171, 208 WALDOBORO RD
BREMEN, MAINE 04551
(207) 529-5945 • FAX (207) 529-6302

**PLANNING BOARD ORDINANCE
FOR THE TOWN OF BREMEN, MAINE**

Enacted: February 7, 2019

Certified by:


Melanie L. Pendleton
Town Clerk



Town of Bremen

Planning Board Ordinance

January 3, 2019

Section 1. Establishment

As voted by the Town at a Special Town Meeting on June 29, 1974 and in accordance with the Home Rule Powers conferred upon municipalities in Article VIII, Part Second of the Maine Constitution and Title 30-A M.R.S.A. Section 3001, the Town of Bremen, Maine has established a Planning Board (hereinafter referred to as the Board). It is the intent of this new Planning Board Ordinance to repeal and replace the Planning Board Ordinance adopted on June 29, 1974 and all amendments thereto.

Section 2. Membership

- A. Board members shall be elected to three-year, staggered terms by secret ballot vote at Annual Town Meeting.
- B. The Board shall consist of seven (7) regular members and two (2) alternate members, all of whom are registered voters of the Town of Bremen.
- C. Vacancies can be created by resignation from or nonacceptance of the office, death or permanent disability, removal from the municipality or other failure to qualify for office, failure to elect a person to the office, or from recall by petition and election as described in Title 30-A M.R.S.A. Section 2505. When a vacancy arises, the Select Board may appoint a person to serve for the remainder of the unexpired term.
- D. Members of the Select Board and Town officials or Town employees with some authority over land use and construction activities shall be prohibited from serving as a member of the Board.

Section 3. Organization and Rules

- A. Board procedures including those for the election and duties of officers and the conduct of meetings shall be set forth in the Board's duly adopted bylaws.
- B. A secretary to the Board shall be appointed by the Select Board. The secretary shall perform duties as set forth in the Board's duly adopted bylaws.
- C. The Board shall keep a regular meeting date each month, with reasonable adjustment to be determined for holidays and weather, and may schedule additional meetings at the discretion of the chair or, in case of absence or incapacity of the chair, at the discretion of the vice-chair.
- D. No regular meeting shall be called to order without a quorum of four (4) members or alternate members present.
- E. The Board shall act on each agenda item put before the Board by majority vote of those members present and duly authorized to vote on that item.

Section 4. Duties and Powers

The Board shall perform such duties and exercise such powers as are provided for by local ordinances and the laws of the State of Maine, including serving as the Town's Municipal Reviewing Authority in all matters pertaining to land use and zoning. These duties shall include reviewing applications for certain types of land use and construction within the Board's jurisdiction, determining whether or not to approve such proposals, and making a record of its decisions.

Section 5. Severability Clause

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 6. Jurisdiction

- A. In addition to the duties and powers as described in Section 4 above, the Board shall administer the process for revision and adoption of the Town's Comprehensive Plan, in accordance with applicable provisions of Title 30-A M.R.S.A. Chapter 187.
- B. The Board may also act in an advisory capacity to the Select Board on other matters pertaining to sound development of the Town's resources and public facilities.

Section 7. Effective Date

The effective date of this Ordinance is February 7, 2019, except that it does not apply to any matters pending on that date as provided in Title 1 M.R.S.A. Section 302.

**AN ORDINANCE RELATING TO THE
ORGANIZATION, RULES, DUTIES AND POWERS OF THE BREMEN PLANNING BOARD**

WHEREAS, the BREMEN PLANNING BOARD was established pursuant to M.R.S.A. Constitution Article VIII-A and in 1917 by vote of the Town at a Special Town Meeting held on June 29, 1974; and

WHEREAS, a PLANNING BOARD of nine members was elected (three to serve for three years, three for two years and three for one year) by a secret ballot vote of the Town at the Annual Town Meeting held on March 22, 1975;

THEREFORE, the following ORGANIZATION, RULES, DUTIES AND POWERS OF THE BREMEN PLANNING BOARD shall be adopted by the Town of BREMEN.

1. ORGANIZATION AND RULES

A. The Board shall elect a chairman and secretary from among its members and create and fill such other offices as it may determine. The term of all officers shall be one year with eligibility for re-election.

B. 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.

C. The chairman shall call at least one regular meeting of the board each month.

D. No meeting of the board shall be held without a quorum consisting of five members.

E. The Board shall adopt rules for transactions of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All such records shall be deemed public and may be inspected at reasonable times.

2. DUTIES AND POWERS

A. The Board shall adopt and revise as necessary a COMPREHENSIVE PLAN as defined by 30 M.R.S.A. 4961. The Plan shall include, but is not limited to, a statement of development goals and objectives for the Town of Bremen and recommendations for the protection of open space and land values within the Town.

B. The Board shall administer the SHORELAND ZONING ORDINANCE FOR THE TOWN OF BREMEN in compliance with 12 M.R.S.A. 4811-14, and shall assume all the administrative duties and powers previously held by the Selectmen with regard to that Ordinance.

C. The Board shall act as the MUNICIPAL REVIEWING AUTHORITY for all SUBDIVISIONS as defined by 30 M.R.S.A. 4956, and shall administer the present SUBDIVISION REGULATIONS in compliance with that State Law.

D. The Board shall perform such other duties and exercise such powers as may be provided by other Bremen Ordinances and the Laws of the State of Maine.

The Board shall also act in an advisory capacity to the Selectmen on all matters pertaining to the sound development of the Town's resources and public facilities.



P.O. Box 171

Medomak, Maine 04551

(207) 529-5945

SPECIAL TOWN MEETING AMENDMENT

Amendment reads:

To see if the Town will vote to reduce the membership of the Planning Board from nine to seven members, to continue terms of present members and to provide that at the 1991 annual Town meeting the Town shall elect three additional members for terms of three years, with the terms of members elected thereafter to be for three years from the expiration of the prior term.

Motion to be accepted as read and seconded. Voted and carried.

ENACTED: January 5, 1991

CERTIFIED BY: Sadie E. Ames

Sadie E. Ames
Town Clerk

ART 35. To see if the Town will vote to amend the Ordinance Relating to the Organization, Rules, Duties and Powers of the Bremen Planning Board

A. Repeal the Whereas clause and replace it to read as follows:

Whereas, a Planning Board has been duly established and its members duly elected by the Town; and

Whereas, there is a need for duly established rules of organization and procedure to regulate the Board's activities, now:

B. Amend Section 1. Organization and Rules, paragraph D to read as follows:

D. No meeting of the board shall be held without a quorum consisting of five four members.

ENACTED: March 30, 2002

CERTIFIED BY:


Judith Mohr
Town Clerk



TOWN OF BREMEN
PO BOX 171, 208 WALDOBORO RD
BREMEN, MAINE 04551
(207) 529-5945 • FAX (207) 529-6302

SPECIAL TOWN MEETING AMENDMENT

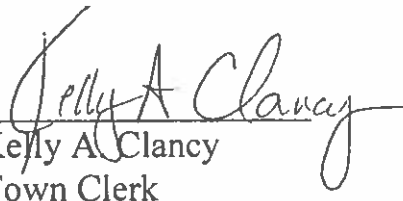
Amendment reads:

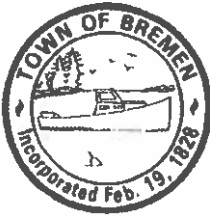
To see if the Town will vote to provide for two (2) alternate members for the Planning Board, to be elected at the next Annual Town Meeting and to serve for initial terms for one of three years and for the other of two years, with terms of alternate members elected thereafter to be three years from the expiration of the prior term. These alternate members must be voters of the Town. The Chair shall designate an alternate to act in the place of a regular members who is unable to act because of incapacity, absence or other reason satisfactory to the chair.

Motion to be accepted as read and seconded. Voted and carried.

ENACTED: November 17, 2016

CERTIFIED BY:


Kelly A. Clancy
Town Clerk



Town of Bremen

PLANNING BOARD BYLAWS

For adoption by the Board at its meeting of:
October 13, 2020

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.

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 Elections, 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 two Fridays 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.