

Adopted by Vote of
The Baldwin Planning Board
on 1/11/90 1990

**PLANNING BOARD BYLAWS
TOWN OF BALDWIN, MAINE**

1. PURPOSE

The purpose of these Bylaws is to set forth the rules for the organization and conduct of the Baldwin Planning Board to assure the orderly, timely and efficient carrying out of its duties and obligations.

2. DUTIES OF THE BOARD

The Planning Board shall carry out any and all duties prescribed by State law or municipal ordinance. The duties of the Planning Board shall include, but are not limited to, the following:

- a) The review and approval/disapproval of subdivisions in accordance with the Subdivision Ordinance and State law.
- b) The review and approval/disapproval of applications for Conditional Use Permits in accordance with Article IX of the Land Use Ordinance.
- c) The review and approval/disapproval of applications for Site Plan Review in accordance with Article XI of the Land Use Ordinance.
- d) Advising the selectmen and Town meeting on proposed changes to the zoning map, Land Use Ordinance, Subdivision Ordinance and Building Code.
- e) Advising the Selectmen and Town meeting on other matters pertaining to the use of land and long range development of the Town.
- f) Reviewing and recommending a Comprehensive Plan for adoption by the Town meeting.
- g) Carrying out any other duties assigned to it by the Board of Selectmen or Town Meeting.

3. COMPOSITION OF THE BOARD

The Planning Board shall consist of five (5) regular members and such alternate members as are appointed by the Selectmen.

All regular and alternate members shall be legal residents of the Town of Baldwin and shall be at least eighteen (18) years of age.

Prior to participating in any activities of the Board, a newly appointed or reappointed member shall be duly sworn in by the Town Clerk or other person so authorized.

4. PARTICIPATION IN MEETINGS

Regular members of the Board shall be eligible to participate in all activities of the Board unless specifically excused or barred from participating in a specific item. The chairman or any other member presiding at a meeting shall be entitled to discuss and vote on every item.

Alternate members shall be eligible to participate in all meetings of the Board and participate in the discussion and review of items under consideration. Alternate members may vote on any item only if they are designated by the Chairman to act for a regular member who is absent or otherwise unable to vote.

If there are more alternate members in attendance than absent/excused regular members, the Chairman shall select the alternate member(s) who shall be designated to vote. In selecting alternate members to vote, the Chair shall try to reasonably balance the participation of alternate members.

If an absent member comes in after an alternate has been designated to vote, the alternate shall continue as voting member until the completion of the item currently under consideration. Upon the completion of that item, the Chair shall recognize the regular member as the voting member for all further business and the alternate shall revert to a non-voting status.

5. QUORUM

A quorum shall be present for the Board to conduct any official business. A quorum shall consist of a minimum of three members eligible to vote and voting on the item under discussion.

6. VOTING

The affirmative vote of a majority of those members entitled to vote on an item shall be required for the passage of any motion unless otherwise established by these Bylaws, municipal ordinance or State law.

Members participating in the discussion of any item and entitled to vote on that item, must vote on the item unless formally excused for cause by a vote of the Board.

7. CONFLICT OF INTEREST

No Planning Board member shall participate in the consideration of or vote on any question in which he or she has a direct or indirect pecuniary interest.

A Planning Board member shall be deemed to have a direct or indirect pecuniary interest in an item where he or she is an officer, director, associate, or employee of a private corporation, business or other economic entity to which the item relates. A member shall also be in conflict when the member is directly or indirectly the owner of at least ten percent of the stock of the corporation or owns at least a ten percent interest in the business or economic activity.

On any question where a Planning Board member has a direct or indirect pecuniary interest, the member shall make a full disclosure of his interest prior to any discussion occurring on the item and shall abstain from all consideration and 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 the decision in which the member has an interest shall be recorded in the minutes of the meeting.

8. OFFICERS

The Planning Board shall annually elect from its members a Chairman, Vice-Chairman and Secretary.

The election of officers shall occur at the first regular meeting of the Board held in April of each year.

The officers shall serve a one year term or until their successors are elected, their term to begin upon election.

There shall be no limit to the number of terms that a member can serve as an officer of the Board.

Upon the vacancy of any office, the Board shall hold a special election at its next regular meeting to fill the office for the remainder of the term.

9. DUTIES OF OFFICERS

The officers shall be responsible for the orderly and timely conduct of the Board's duties and the keeping of the official records of its actions and deliberations.

The specific duties of the officers shall be as follows:

- (a) The Chairman shall preside at all meetings of the Board, shall designate alternate members as voting members, shall call meetings of the Board as needed and shall prepare and post the agenda for Board meetings.

- (b) The Vice-Chairman shall carry out the duties of Chairman in the absence of the Chairman.
- (c) The Secretary shall be responsible for maintaining the records of the Board including the official minutes and files.

10. MEETINGS OF THE BOARD

All meetings of the Board shall be open to the public and shall be conducted in accordance with the "right-to-know" law. (MRSA title 1 § 401 - 410)

The Board shall regularly meet on the second and fourth Thursdays of each month. If the day of a regular meeting is a legal holiday, the meeting shall be changed to the following Thursday.

The Board may hold special meetings provided it provides suitable notice as required by State law. Special meetings may be called by the Chairman or by any three regular and/or alternate members.

11. NOTICE OF MEETINGS

The Chairman shall cause a notice of all Planning Board meetings to be posted in the Town Office. This notice shall be posted at least 72 hours prior to the scheduled start of the meeting.

Written notice of meetings shall be provided to applicants, abutters and other involved parties according to the requirements of the Subdivision Ordinance, Land Use Ordinance and State law.

Legal advertisements of Public Hearings shall be published in the local newspapers as required by local ordinance and state law.

12. RECORDS OF MEETINGS

The Planning Board shall keep minutes of its proceedings showing the vote of each member on each item, or, if absent or excused from voting, an indication of such fact. The minutes and records shall be kept in such a location as to be available for public inspection during regular business hours. A copy of the minutes shall be provided upon receipt of a written request.

The minutes, upon approval by the Board, shall serve as the official record of the Board's actions and shall be deemed to be official notice of the Board's decision when mailed to applicants and other parties.

13. RECORD OF DECISIONS

The Planning Board shall make a written record of every decision including findings of fact. For decisions involving conditional approvals or denials, the written record shall disclose the reasons

for the Board's decision and include findings of fact sufficient to appraise the applicant and other interested members of the public of the basis for the decision. For conditional approvals, the record shall contain an enumeration of the specific conditions of approval and the reasons for the conditions.

14. AGENDAS

The Chairman shall prepare an agenda for each meeting. The Board shall consider only those items on the agenda for that meeting. However, the Board may, by the affirmative vote of at least three members, add items to the agenda prior to commencing action on the posted agenda. The agenda shall be posted in the Town Office prior to any meeting of the Board.

The Chairman shall place items on the agenda according to the following order:

- Approval of Minutes
- Communications
- Board Administrative Items
- Old Business
- New Business

Items of new business shall be placed on the agenda in the order in which they are received by the Chairman.

Items for the agenda shall be submitted to the Code Enforcement Officer or Planning Board Chairman at least ³⁰three days prior to the meeting. ~~All items submitted for a regular meeting must be received by noon on the Monday preceding the meeting.~~

*amended
Sept 26
2002*

The Chairman shall have the power to limit the length of the agenda and may carry items over to succeeding agendas if necessary to allow for meetings of a reasonable length.

15. LEGAL EFFECT OF BYLAWS

Nothing in these Bylaws shall be deemed to modify or supplement any provision of any ordinances or statute for the Planning Board. In the case of conflict between these Bylaws and local ordinances or State laws, the provisions of such ordinances or laws shall be binding.

16. AMENDMENTS

These Bylaws shall remain in force until amended or repealed by the Planning Board. The Planning Board shall have the power to amend or repeal these Bylaws by a vote of four members of the Board, present and authorized to vote on items before the Board.