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TOWN OF HARTFORD, MAINE

PLANNING BOARD

BY-LAWS

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~~POLICIES ..... ADDENDUM~~

Town of Hartford, Maine  
PLANNING BOARD BY-LAWS

Article 1 GENERAL PROVISIONS

- 1.1 The purpose of these by-laws is to set forth procedural guidelines for the Board.
- 1.2 Business of the Board shall be conducted in accordance with Maine Revised Statutes Annotated, Town Ordinances, and Planning Board Standards for Reviewing Land Subdivisions.
- 1.3 Planning Board Members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and abide by them.

Article 2 MEMBERSHIP

2.1 Appointments

- 2.1.1 Appointments to the Board shall be made by the Selectmen.
- 2.1.2 When there is a permanent vacancy of either a full or an alternate member, the Board Chairperson shall notify the Selectmen.
- 2.1.3 Any member of the Board may be removed for cause by the Selectmen before the expiration of her/his term, but only after an advertised public hearing at which the member in question has had an opportunity to refute specific charges. The term "for cause" shall include, but not be limited to voting when the member has a conflict of interest.
- 2.1.4 A member or alternate who fails to attend three consecutive regular monthly meetings of the board shall be deemed to have submitted his or her resignation, and the chairperson shall so inform the selectmen.

2.2 Officers and their Duties

- 2.2.1 The officers of the Board shall consist of the Chairperson, Vice-Chairperson and Secretary. The Chairperson, and Vice-Chairperson shall be full members of the Board.
- 2.2.2 The Chairperson shall preside at all meetings and hearings of the Board. The Chairperson has the authority to appoint all committees, to call work sessions, designate which alternate member shall serve in place of a full member, and to preside over executive sessions.
- 2.2.3 The Vice Chairperson shall act for the Chairperson in her/his absence. The Chairperson shall be considered absent if she/he is not available for more than seventy-two (72) hours or is not in attendance at a meeting or hearing.
- 2.2.4 The Secretary shall be responsible for the minutes and records of the Board, may prepare an agenda for any meeting with the chair, shall attend to correspondence of the Board, and other duties as are normally carried out by a Secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board. All records shall be public and may be inspected at reasonable times.

### 2.3 Election of Officers

- 2.3.1 Nominations of officers shall be made from among the full voting members of the Board at the annual organizational meeting which shall be held on the same evening and prior to the first regular Planning Board meeting in July, and the election shall follow immediately thereafter nominations.
- 2.3.2 The candidate receiving the majority vote shall serve for one year or until her/his successor shall take office.
- 2.3.3 Vacancies of officers shall immediately be filled by regular election procedures.

### 2.4 Other Board Members

- 2.4.1 An alternate member may attend all meetings and participate in the proceedings but may only vote when designated by the Chairperson to temporarily replace a full member who is absent, or otherwise unable to vote as determined by the chairperson.
- 2.4.2 When a member is unable to participate because of a conflict of interest, the Chairperson shall designate an alternate member to act for the full member while the case is considered.

## Article 3 MEETING ORGANIZATION

### 3.1 Regular Meetings

- 3.1.1 Meetings shall be held on the first Monday of every month, and the third Monday (or otherwise) if deemed necessary in order to complete the agenda. The Chairperson may schedule special meetings on seventy-two (72) hours notice to members and the public .
- 3.1.2 All meetings shall be open to the public and shall be tape recorded: Amended 4/5/2021 by planning Board
- 3.1.3 No official business may be conducted without a quorum present. A quorum shall consist of three (3) members. It shall not include anyone who cannot participate because of conflict of interest. "Conflict of interest" means direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family, to his employer, or the employer of any member of the person's immediate family. It shall also include a situation where the Board Member by reason of his interest is placed in a situation of temptation to serve his own personal interest instead of the public's interest. Any question of whether a member shall be disqualified from voting shall be decided by a majority vote of the members present except the member who is being challenged.
- 3.1.4 In the event a quorum is not present the Board members are authorized to request that the Chairperson re-schedule the meeting to another date and adjourn the meeting. If the date is other than a regular meeting date the Secretary shall have the responsibility of providing adequate notice to the Board members, Selectmen, and the general public.
- 3.1.5 All comments addressed to the Board shall be made through the Chairperson.
- 3.1.6 Decisions and actions of the Board shall normally be by consensus. In the event of two recorded dissenting votes on any matter other than an application it shall be tabled until the next regular meeting. At that time it shall be approved if it receives a majority of the votes cast. The Chairperson may, in her or his discretion, waive this rule of consensus when it would conflict with a deadline imposed by law. In that case a simple majority will prevail.
- 3.1.7 All decisions must be based on whether the applicant has provided sufficient evidence to prove that the application complies with all applicable law and ordinance requirements.
- 3.1.8 Only the Chairperson is authorized to communicate the actions and discussions of the Board to the press.

### 3.2 Agendas

- 3.2.1 Regular meeting agendas shall follow the following format:
1. Call to Order and determine the presence of a quorum.
  2. Public hearing (if any scheduled).
  3. Minutes of previous meeting and correspondence.
  4. CEO Report.
  5. Pending Applications.
  6. New Applications.
  7. Other.
  8. Adjournment.
- 3.2.2 Only applications received and printed on the agenda shall be considered during a meeting.

### 3.3 Work Sessions

- 3.3.1 The Chairperson may call work sessions for the purpose of updating the subdivision regulations, Planning Board By-laws, or 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 the Board permits the public to speak.

### 3.4 Executive Sessions

- 3.4.1 Upon vote of at least 3 of the members the Board may call an executive session to meet with the Town Attorney about pending or potential litigation.
- 3.4.2 Within the executive session it shall be the Chairperson's responsibility to ensure that only that business for which the session was called will be discussed, and that no official action is taken.

## Article 4 HEARINGS

### 4.1 The Order of Business

- 4.1.1 The Chairperson calls the meeting to order and determines whether there is a quorum.
- 4.1.2 The Chairperson then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.
- 4.1.3 The Board determines whether it has a jurisdiction over the application.
- 4.1.4 The Board determines which individuals attending the hearing are interested parties. "Interested Parties" are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the Board's decision. 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. Town officers and the Code Enforcement Officer (CEO) shall automatically be made parties to the proceedings. "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.
- 4.1.5 The Chairperson gives a statement of the case and incorporates into the record correspondence and reports filed with the Board prior to the hearing. This material shall be available for public inspection.
- 4.1.6 The applicant is given an opportunity to present her or his case without interruption.
- 4.1.7 The Board and interested parties may ask questions of the applicant through the Chair.

- 4.1.8 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 CEO, planner or its consultant.
  - 4.1.9 The applicant may ask questions of the interested parties and the Board witnesses directly.
  - 4.1.10 All parties are given the opportunity to refute or rebut statements made throughout the hearing.
  - 4.1.11 The Board shall receive comments and questions from observers and interested citizens who wish to express their views.
  - 4.1.12 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 continuation.
  - 4.1.13 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.
  - 4.1.14 The Board may waive any of the above rules upon good cause shown.
- 4.2 Board members and its consultants have the right to prepare findings and conclusions at any public meeting prior to the decision being finalized.
  - 4.3 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 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 and at least two (2) other members present.
- 5.3 The Board, in reaching said decision, shall be guided by standards specified in the applicable statute, ordinance, or regulation as well as by community goals and policies as specified in a community plan, ~~if any~~, and by the findings of the Board in each case.
- 5.4 Notice of any decision, including the findings and conclusions, shall be sent by mail or hand delivered to the applicant.
- 5.5 Decisions of the Board shall be filed in the official town records and shall be available to the public. Copies of records may be made at the town office upon payments of normal copying fees.

#### Article 6 APPEALS

- 6.1 Appeal of decisions of the Board is governed by state law and local ordinances.

#### Article 7 AMENDMENTS

- 7.1 The By-laws may be amended by a majority vote of the Board at a regularly scheduled meeting.

#### Article 8 SEVERABILITY

- 8.1 The invalidity of any section or provision of there By-laws shall not be held to invalidate any other section or provision of these By-laws.