

Revised and updated  
May 5-2010 By New Portland  
Town Order  
Planning Board

BY-LAWS OF THE  
NEW PORTLAND PLANNING BOARD

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ADOPTED:

1. ESTABLISHMENT:

The New Portland Planning Board was established by vote of the Town Meeting on March 3, 1973 by Municipal Ordinance entitled "Establishment of New Portland Planning Board".

2. APPOINTMENTS AND COMPOSITION:

- A. Appointments to the Board shall be made by the Selectmen.
- B. The Board shall consist of five members and one associate member. The associate member also may be referred to as an alternate member.
- C. The term of each member shall be for three years; except the initial appointments, which shall be one for one year, two for two years, and two for three years. The term of office of an associate member shall be for three years. Each term of office shall become effective at the Planning Board's annual meeting.
- D. Not more than one municipal officer may serve as a member or associate member.
- E. When there is a permanent vacancy, the selectmen shall, within 60 days of its occurrence, appoint a person to serve for the unexpired term. A permanent vacancy shall occur upon resignation or death of any member of the Board; or when a member ceases to be a resident of the municipality, unless he is in compliance with 2.F.; or when a member becomes inactive or fails to attend four consecutive regular and special meetings of the Board, except for a valid reason.
- F. Only one non-resident of the Town of New Portland, who must be a land owner in New Portland, may serve as a member or associate member.
- G. Newly-appointed Board members and associate members must be sworn in by the Town Clerk before assuming office.

3. POWERS AND DUTIES:

- A. The Board shall perform such duties and exercise such powers as are provided by municipal ordinance and state law, including but not limited to:
  - 1. Preparation of a comprehensive plan, as defined by 30 MRS., 4961 as amended; and a comprehensive plan that is adopted by the Board shall control until superseded by provisions adopted by the town legislative body; and

2. review of all requests for subdivision approval, as provided by 30 MRSA 4956 as amended; review of all applications for shoreland zoning permits and flood plain building permits; and any other permits required by municipal ordinance or directed by state or federal law.

B. The Board shall submit an annual report to the Town apprising the citizens of its activities; and may recommend legislative or administrative actions, including adoption or repeal of amendments, municipal plans, policies, and ordinances.

C. The Board shall further act in advisory capacity to other offices of the municipality on matters of community growth and development.

D. Members of the Board shall familiarize themselves with the municipal and related State plans, policies, regulations, and procedures which affect the Board's activities.

E. The Board may obtain goods and services necessary to its proper function, within the limits of appropriations made for the purpose.

F. Upon sanction by the New Portland Planning Board, a member may be reimbursed at the current mileage fee received by municipal officials for use of vehicle and minimum wage per hour for labor for special Planning Board business only, such as site inspection. Actual mileage shall be recorded at the beginning and end of said trip, and labor charge shall be from the beginning to end of said business. The bill shall be presented to, and verified by, the Board before collection.

#### 4. ORGANIZATION AND RULES:

A. At each annual meeting, the Board shall elect a chairperson, vice-chairperson, and secretary from among its members; and may create and fill such other offices as it may determine.

B. Terms of office shall be for one year, with eligibility for re-election.

C. An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when he has been designated by the chairperson to sit for a member. An associate member may perform the duties of secretary, but no other office.

D. When there is a permanent vacancy among the officers, the Planning Board shall, within thirty days of its occurrence, elect another member to serve for the unexpired term. Permanent vacancy is defined in 2.E..

E. The responsibilities of the members (officers) shall be as follows:

1. Chairperson:

- a. to call meetings of the Board, as required;
- b. to preside at all meetings of the Board;
- c. to preside at all hearings, unless another person is duly designated;
- d. to be the official spokesperson for the Board;
- e. to see that all actions of the Board are properly taken.

2. Vice-chairperson:

- a. During the absence, disability or disqualification of the chairperson, the vice-chairperson shall perform all duties and be subject to all the responsibilities of the chairperson.

3. Secretary:

- a. to keep the Minutes of all Board meetings and hearings;
- b. to maintain a permanent record of all official proceedings, decisions, communications, resolutions, transactions, correspondence, findings, and determinations of the Board.
- c. To promptly file all Board records in the Town Office;
- d. to record all policies, rules, and regulations adopted by the Board;
- e. all records shall be deemed public and may be inspected at reasonable times;
- f. to issue notice of all Board meetings and hearings, as required herein.

5. MEETINGS:

A. The annual meeting of the Board shall be the first regular meeting in the month of April each year, unless otherwise designated by a majority vote of the Board.

1. The annual meeting shall include, but is not limited to, the following:

- a. seating of new members and/or associates;
- b. presentation of annual report for the past year;
- c. election of officers.

- B. Regular meetings of the Board shall be held on the first and third Thursdays of each month, at 7:00 p.m. in the Town Office. Notice of regular meetings shall be published at least once yearly, immediately following the annual meeting, in a newspaper of general circulation in the municipality; and shall be permanently posted in the Town Office in a conspicuous place.
- C. The chairperson shall call special meetings of the Board as required, or when requested to do so by a majority of Board members, or by municipal officers. Notice of special meetings shall be given to all members and published in a newspaper of general circulation in the municipality at least 24 hours in advance of the meeting.
- D. In addition to those hearings required by law, the Board may hold such public hearings as it deems necessary in the public interest. Notice of such hearings shall be published in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least 7 days prior to the hearings. The notice shall state the date, time, place, and subject matter of the hearing. The Board may provide by rule, which shall be recorded by the secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the chairperson for good cause shown.
- E. The order of business at regular meetings, unless otherwise voted by a majority of the Board, shall be:
1. roll call (not necessarily verbal);
  2. reading and approval of Minutes of previous meetings;
  3. old business;
  4. new business;
  5. adjournment.
- F. Minutes shall be taken at all Board meetings and shall show:
1. time, date, and place of meeting;
  2. members present and voting;
  3. each item of business taken up by the Board and its substance;
  4. each official action taken by the Board, which shall be embodied in a formal written motion.
- G. A quorum of the Board consisting of at least three members authorized to vote shall be necessary to conduct official meetings and business. No official action may be taken in the absence of a quorum, except to adjourn a meeting to a subsequent date.

- H. Each regular member of the Board shall be entitled to cast one vote, and majority vote rules. When any regular member is unable to vote because of absence, disability, or disqualification, the chairperson shall designate an associate member to act in his/her stead.
- I. No member shall vote on a matter in which he/she has a direct or indirect pecuniary interest. Any question of whether a member shall be disqualified from voting on a particular issue shall be decided by a majority vote of the members present and voting, except the member being challenged.
- J. Executive sessions shall be prohibited, except as authorized under 1 MRSA 404 as amended. Such sessions may be called only by vote of at least 3/5ths of the members present and voting and the motion to go into executive session shall indicate the nature of the business of the session and no other matter may be considered at that particular session. No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official action may be finally approved in executive session.

K. Decisions

The Board shall maintain a written record of every decision involving the approval or denial of an application, license, certificate, or any other type of permit, as required by law. (See 30 MRSA 4956, 1 MRSA 404-G, and provisions of local ordinances.) In issuing such decisions, the Board shall state the reason(s) therefor and shall make findings of fact, in writing, sufficient to apprise applicants and members of the public of the basis for such decisions.

AMENDMENTS:

By-Laws may be amended by majority vote of the entire membership of Board. Proposed By-Law changes shall be submitted in writing and circulated to all regular and associate members at least 7 days prior to the meeting at which the proposed changes will be voted.