

**CITY OF OLD TOWN, MAINE  
PLANNING BOARD  
BY-LAWS  
(Adopted March 9, 1999)**

**I. PURPOSE**

These by-laws are established by the Old Town Planning Board to aid in the fulfillment of its responsibilities under the Maine Constitution, the Statutes of Maine, Old Town Charter and Municipal Ordinances, which have precedence. The By-laws are intended to assure fair and equitable treatment of all proceedings of the Planning Board.

**II. MEMBERSHIP**

- A. The membership of the Planning Board is set by the Old Town Code of Ordinances, Chapter 13, Article II.
  - 1. The Planning Board shall consists of seven (7) members appointed by the City Council for 5-year terms.
  - 2. When there is a permanent vacancy, the City Council shall appoint an individual to serve for the expired term.
  - 3. All Planning Board Members shall be residents of the city, and shall not be salaried officials of the city.
  - 4. The members of the planning board shall serve without compensation.
  
- B. Failure to attend less than 66% of the regular meetings of the Planning Board in a 12-month period shall constitute a defacto vacancy on the Planning Board. After notification of the Board of such fact, the Chairperson shall request the City Council to fill the unexpired term.
  
- C. Planning Board members are expected to be knowledgeable of laws, ordinances, regulations, and board policies.
  
- D. Prior to meetings members are expected to have reviewed cases before and be knowledgeable of the particulars before them and the pertinent sections of the ordinance.

**III. OFFICERS AND DUTIES**

- A. The Board shall elect a Chairperson and a Vice-Chairperson from its members annually at its regularly scheduled meeting in January for a one-year term.. The Chairperson and Vice-Chairperson are eligible for re-election.
  - 1. The Chairperson shall call all meetings of the Planning Board and preside at all meetings of the Board.
  - 2. The Chairperson shall represent the Planning Board and be its official spokesperson in all matters.
  - 3. The Vice-Chairperson shall act as Chairperson, with all the powers of Chairperson, in the following circumstances:

- a. Absence of the Chairperson.
  - b. Disqualification of the Chairperson due to a conflict of interest.
  - c. When the Chairperson wishes to vacate the Chair for the purpose of making or seconding a motion.
- B. The Board shall designate a secretary either from its members or a non-member. The Secretary shall be responsible for maintaining accurate records of the Planning Board and its proceedings.
- 1. Records and correspondence of the Planning Board shall be maintained in the City Code Enforcement Office and may be inspected at reasonable times.
  - 2. Minutes of all meetings of the Planning Board shall be distributed to the members of the Board, City Council, Zoning Board of Appeals, City Manager, Code Enforcement Officer, City Planner, and such other persons as the Board deems advisable.
- C. Advisory committees may be appointed by the Chairperson with the approval of the Board to assist the Board in its effort.
- D. Appointments to other boards or committees may be made by the chairman.

#### IV. MEETINGS

- A. A regular meeting of the Planning Board shall be held the second Tuesday of each month.
- B. Special meetings may be called by the Chairperson and shall be called when requested by a majority of the City Council.
- C. Quorum of the Board necessary to conduct official business shall consist of at least four members. An affirmative vote of at least four members is required to recommend amendments to any ordinance, approve site plans, recommend revisions to the City's Comprehensive Plan, approve a subdivision, approve a special exception, or take any other action, other than adjournment of a meeting.
- D. Meetings shall adjourn by 10:00 p.m., unless waived by the Board. Effort should be made to conclude unfinished business as soon as possible.

#### V. RULES OF PROCEDURE

- A. Meetings shall be conducted in accordance with Maine Statutes, these by-laws and pertinent parts of the latest revisions of Robert's Rules of Order; and city ordinances, specifically:
  - 1. Zoning Ordinance, Section 104.24 – Site Plan Review
  - 2. Zoning Ordinance, Section 108 – Special Exceptions
  - 3. Zoning Ordinance, Section 109 – Amendments
  - 4. Code of Ordinances, Chapter 18 – Subdivisions

5. Zoning Ordinance, Section 112 – Generator-owned Secure Landfills

- B. The Board may establish special rules for the conduct of any hearing and any rules may be waived by the Board for good cause.
- C. The Board may retire to executive session by vote of a majority of the members present and voting. In order to assure opportunity for public participation, the Board may not vote on any question in executive session.

## VI. PUBLIC HEARINGS

All public hearings held by the Planning Board as required by law or ordinances of the City of Old Town in addition to meeting special requirements of such law or ordinances shall comply with the following procedures unless waived by the Chairperson or the Planning Board.

- A. All public hearings shall be tape recorded unless, in the opinion of the chairman that an adequate record can be made without tape recording.
- B. All interested parties shall be given an opportunity to be heard; however, the Chairperson may limit discussion to new information and pertinent issues. The order of presentation shall be as follows unless the Board rules otherwise.
  - 1. major proponent – 30 minutes limitation
  - 2. other proponents – 5 minute limitation
  - 3. major opponent – 30 minute limitation
  - 4. other opponents – 5 minute limitation
  - 5. appropriate city officials
  - 6. rebuttal – 5 minute limitation
- C. All comments addressed to the board shall be made through the chairperson.
- D. Major proponents and opponents shall be encouraged to present written information for distribution either in advance or at such public hearing.
- E. Decisions required as the result of public hearings shall be made in accordance with appropriate laws and/or ordinances.
- F. All information and materials made a part of the public hearing shall be maintained as part of the permanent record of the hearing. Costs of transcriptions of the hearings shall be borne by the party requesting the transcript.
- G. A public announcement of the hearing shall be made by posting a notice of intent in the Bangor Daily News or Old Town-Orono Times at least seven (7) days prior to the scheduled meeting date.

## VII. AMENDMENTS

These by-laws may be amended at any regular meeting of the Planning Board, provided the proposed amendment has been discussed at the previous regular meeting of the Board.

## VIII. DISTRIBUTION OF BY-LAWS

These by-laws and any amendments which may be adopted shall be distributed to the members of the City Council, City Manager, Code Enforcement Officer, City Attorney and such other persons as may be desirable.