

Article 5 Planning Board

[From Chapter 4 of the Bucksport Town Code]

SEC. 4-501 Establishment of the Planning Board

1. The Bucksport Planning Board is hereby established pursuant to 30-A M.R.S.A. Section 3001.

SEC. 4-502 Appointment to the Board

1. The Planning Board shall consist of seven (7) members, each of whom shall be appointed by the Town Council to serve for a five (5) year term commencing on April 1st. Terms must be staggered so that at least one (1) appointment for a five (5) year term will be required every year.
2. Appointments are not subject to term limits and members may be reappointed to serve subsequent terms.
3. Members must be sworn into office by the Town Clerk at the beginning of each of their respective terms. A swearing-in ceremony for newly-appointed or reappointed Board members shall be conducted by the Town Clerk at the first available Board meeting before those members may be seated on the Board.

SEC. 4-503 Vacancies of the Board

1. A vacancy of the Board occurs if a Board member resigns, is unable to serve, or is absent for more than three (3) consecutive meetings, unless absent for good cause as determined by majority vote of the Board. The Chairman shall notify the Town Council of any vacancy. The Town Council shall fill any vacancy by appointing a new member for the balance of the term. A vacancy of the Board may not prevent the Board from meeting and conducting business, provided that a quorum is established.
2. An incumbent Board member may continue to serve as a de facto member upon expiration of his term until such time the member is reappointed or another person is appointed and sworn in.

SEC. 4-504 Minimum Qualifications to Serve

1. Any person must meet the following minimum qualifications to serve as a Planning Board member:
 - a. The person must be at least eighteen (18) years old.
 - b. The person must be a United States citizen.
 - c. The person must be a legal resident of Bucksport. Legal residency is demonstrated when the person resides in a dwelling or apartment in Bucksport at least eight (8) months in any calendar year.
 - d. The person may not serve concurrently on the Town Council or Board of Appeals, or as the Bucksport Code Enforcement Officer.
 - e. The person may not be the spouse of a Bucksport Town Councilor, a Bucksport Board of Appeals member or the Bucksport Code Enforcement Officer.

SEC. 4-505 Authority of the Board

1. The Board is authorized to review and approve or deny any application pursuant to the requirements of the following ordinances of the Bucksport Town Code:
 - a. Appendix C Subdivision Ordinance
 - b. Appendix D Floodplain Management Ordinance
 - c. Appendix K Land Use Ordinance
2. The Board is authorized to draft or review proposed zoning ordinances and zoning maps and to draft or review proposed amendments to existing zoning ordinances and zoning maps.
3. The Board is authorized to conduct public hearings when required by State law or Town ordinance, or when input from the public is otherwise determined by the Board to be appropriate.
4. The Board is authorized to participate in the preparation of the Town's Comprehensive Plan.
5. The Board is authorized to prepare a submission for the Town's annual report.
6. The Board is authorized to purchase goods and services that are directly related to the general responsibilities of the Board, up to the established limits of appropriations made for such purpose.
7. The Board is not authorized to grant any variance of a dimensional standard unless expressly allowed.

SEC. 4-506 Conflict of Interest; Bias

1. A member having a conflict of interest in any matter before the Board shall make full disclosure of that interest before any action is taken on the matter.
2. A Board member has a conflict of interest if the member has a direct or indirect pecuniary interest in the outcome of an application review. A direct or indirect pecuniary interest is deemed to arise if a member is an officer, director, partner, associate, employee or shareholder of a private corporation, business or other economic entity to which the application relates and is also directly or indirectly the owner of at least ten percent (10%) of the stock of the private corporation or owns at least a ten percent (10%) interest in the business or other economic entity.
3. In addition to the provisions of Section 4-506(2), a conflict of interest exists if a member is in a situation whereby his own personal pecuniary interests may be served to the advantage or disadvantage of the interests of the applicant.
4. A member with a bias in any matter before the Board shall make full disclosure of that bias before any action is taken on the matter.
5. A Board member has a bias if for any reason that member is unable to make an impartial decision on an application review.
6. As a matter of procedure, the Chairman of the Board should inquire of the Board whether any conflict-of-interest or bias exists before each application is reviewed, but failure to do so may not invalidate any vote.
7. When a question of an alleged conflict-of-interest or bias of any member is raised, the recusal of that member must be decided by the majority vote of the other Board members present.

8. A member recused by the Board or by his own volition may not participate further as a Board member in the application review. A recused member may not attempt to influence the vote of other members, but may participate as an audience member.
9. A current Board member may not represent any party before the Board, except any member may appear before the Board to represent themselves as an applicant. A current member appearing before the Board as an applicant must be recused prior to the Board's review of their application.
10. A former Board member may represent any party before the Board in accordance with the time limitations set forth in 30-A M.R.S.A. §2605.

SEC. 4-507 Administration

1. In December of each year, the Board shall elect by majority vote a Chairman and Secretary to serve for a one (1) year period, commencing at the first meeting of the next calendar year. Vacancies in either office may be filled at any time by the Board.
2. The Board shall establish procedural rules for meetings and public hearings that are consistent with the requirements of this Article and State law. The rules and any amendments thereto must be approved by majority vote of the Board, and approved by the Town Council before implementation.
3. In December of each year, the Board shall determine the schedule for regular meetings in the next calendar year. The Board shall hold one (1) regular meeting each month.
4. The Chairman may reschedule or cancel a meeting if there is any reason the board cannot conduct business at the appointed time or place. Public notice of a rescheduled or cancelled meeting must be posted at the entry to the meeting facility. Notice must also be given to any parties with standing and the local news media, as time permits.
5. The Board may hold special meetings as called for by the Chairman or the majority of the Board. No more than four (4) special meetings may be held by the Board in any fiscal year, except additional special meetings may be held when the costs for such meetings are covered. Public notice of special meetings must be made in accordance with the requirements of Section 4-508.
6. The Chairman shall preside at all meetings of the Board. When the Chairman is absent, the Secretary or another chosen by the members present and voting shall serve as proxy for the Chairman. The Chairman shall:
 - a. Establish the agenda for each meeting;
 - b. Regulate the course of the meeting, set the time and place of adjournments;
 - c. Fix the time for the filing of written submissions;
 - d. Rule upon all issues of procedure or evidence; and
 - e. Take such other actions that may be necessary for the efficient and orderly conduct of the Board's business.
7. The Secretary shall be responsible for the following duties:
 - a. Provide the Board with a quarterly report on revenue and expenditures;
 - b. Prepare the Board's annual report; and
 - c. Ensure that a permanent record of all proceedings, including minutes, written findings and decisions, and all correspondence of the Board are maintained at the town office.

8. A quorum of the Planning Board is four (4) members. When no quorum is present at a meeting, no business of the Board may be conducted except to vote to adjourn generally or to a specific place and time.
9. An affirmative vote from at least four (4) members is required for the adoption of a motion to find compliance with criteria standards, or the adoption of a motion to approve, approve with conditions or deny an application. The adoption of all other motions before the Board requires an affirmative vote of the majority of those members present and voting, except as may otherwise be required by Section 4-507(14). A tie vote is considered a defeat of a motion.
10. The Board may not conduct any application review without the presence of the applicant or their representative. If the applicant or their representative is not present, the Board shall table review of the application until either party is present.
11. The Board may require legal guidance or third-party consultations in the review of any application. The determination of this requirement must be made by majority vote of the Board. The applicant is responsible for the costs of legal or other third-party consultants, except the Town Council may grant a waiver of all legal fees or a portion thereof upon written request. Consideration of a waiver of fees must be based on the showing of an undue financial hardship or other extenuating circumstances experienced by the applicant.
12. The applicant must submit a deposit to the town in an amount based on an estimate of the costs for the consultant or legal services the applicant is obligated to pay. The deposit must be received by the town before the services are requested. Subsequent deposits may be required if necessary, and the Board may table the application review until such deposits have been submitted. Payment of any final amount due must be made upon demand by the town. Any deposited funds remaining upon payment of all consultant and legal fees and any other fees related to the application review must be refunded to the applicant.
13. A recording secretary appointed by the Town Council shall record the minutes of each meeting and prepare written minutes to the satisfaction of the Board. In the recording secretary's absence, the minutes shall be recorded and prepared as determined by majority vote of the Board. Copies of all approved minutes and final decisions of the Board shall be provided to the Town Council.
14. The business of the Planning Board is a public proceeding and the Board shall comply with the provisions of Title 1 M.R.S.A. §§ 401 to 410. All of its proceedings are open to the public and its records are open for inspection, except as otherwise provided by law. The Board may only conduct an executive session in accordance with the requirements of Title 1 M.R.S.A. §405. A motion to enter an executive session must receive a three-fifths ($\frac{3}{5}$) public, recorded vote of the members present and voting and the motion must specify the subject matter and cite the applicable statute. No official action may be approved during an executive session.
15. The Board may meet annually with the Town Council for the purpose of reporting on Board activity and addressing items of interest related to planning and land use.
16. The Chairman shall serve as spokesperson for the Board at any public proceeding for which the Board has accepted an invitation to participate or when the Board has otherwise determined their participation in the proceeding to be appropriate or necessary. If the Chairman is unable to serve as spokesperson, the Board shall select a

proxy by majority vote.

17. The Chairman may form committees for the purpose of conducting workshops on topics of interest for the Board. Committee members must include at least two (2) Board members and may also include other Town officials and citizens of Bucksport. The committee shall report to the Board upon conclusion of any workshop. Notice of any committee meeting must be posted at the town office and on the town's website at least seven (7) days prior to the meeting.

SEC. 4-508 Public Notice

1. Written notice of all Board meetings must be posted at the town office and at the town's website at least seven (7) days prior to each meeting. The notice must set forth the location, date, time and purpose of the meeting. Written notice in print or in an electronic format must be provided to the local news media, the Town Manager, the Town Council, Town Department Directors, the Code Enforcement Officer and any party identified on a meeting agenda.
2. Written notice of Board meetings must be given to any party who has requested recognition as a party with standing in accordance with Section 4-509(b, c or d) and been granted such recognition by the Board. Notice to these parties must be provided in an electronic format, such as an e-mail transmittal or a website posting, except as otherwise required by the Board. Notice is only required to be given to a representative of any group or organization recognized as a party with standing.
3. Written notice of any public hearing required by State law or Town ordinance must be given in accordance with the requirements of the applicable ordinance or law. Notice of any other public hearing required by the Board must be published in a local newspaper and posted at the town office at least seven (7), but not more than twenty-one (21) days prior to such hearing. The notice must set forth the purpose of the hearing, and the date, time and place.

SEC. 4-509 Parties with Standing

1. The following parties shall have standing before the Planning Board:
 - a. A permit applicant or permittee.
 - b. Any owner of property that is within 100 feet of the boundaries of a property on which a proposed land use activity is subject to Planning Board approval.
 - c. Any party demonstrating that they will suffer a direct and personal detrimental effect in the actual use or enjoyment of their property from a proposed land use subject to review by the Board.
 - d. Any group or organization demonstrating that a proposed land use subject to review by the Board involves an interest that is germane to the organization's purposes and that any one of its members has standing in their own right.
 - e. Any state or federal agency, office or department, with review or permitting authority for a proposed land use subject to review by the Board.
 - f. The Bucksport Town Council.
 - g. The Bucksport Code Enforcement Officer.

SEC. 4-510 Remuneration

1. The Town shall pay each Board member and the recording secretary for their attendance at regular and special Board meetings, including site visits. Payments will be made on a quarterly basis at the following rates:
 - a. Chairman- \$25.00 per meeting/site visit.
 - b. All other members- \$20.00 per meeting/site visit.
 - c. Recording Secretary- \$40.00 per meeting/site visit
2. Remuneration may not be given for attendance at committee meetings, seminars, training workshops or any non-Board public proceeding, except payment of registration fees and mileage reimbursement within the limits of the Board's budget may be made for seminars or training workshops related to the functions of a planning board.

SEC. 4-511 Enforcement

The enforcement of this chapter shall be the duty of the Town Council acting through its town attorney pursuant to 30-A M.R.S.A. Section 4452 (as amended).