

## BUCKSPORT PLANNING BOARD

### RULES OF PROCEDURE

#### **1. PURPOSE**

- 1.1 The purpose of these Rules of Procedure (“Rules”) is to establish general operational procedures for the Planning Board (“Board”) to apply when conducting meetings.

#### **2. AUTHORITY**

- 2.1 These Rules of Procedure have been established by the Bucksport Planning Board in accordance with the Bucksport Town Code Chapter 4, Article 5, Section 4-507(2).

#### **3. APPLICABILITY**

- 3.1 These Rules of Procedure apply to any meeting conducted by the Planning Board for any purpose.
- 3.2 The Planning Board, by majority vote, may suspend any rule of procedure during a meeting if compliance with the rule prohibits the Board from conducting business in a reasonable, fair and efficient manner.

#### **4. SEVERABILITY AND CONFLICT**

- 4.1 If a court finds any provision of the Rules to be invalid, the court’s decision may not invalidate any other provision of the Rules.
- 4.2 If any provision of the Rules conflicts with another provision of the Rules or any provision of any ordinance, regulation or statute, the more restrictive provision governs.

#### **5. ADOPTION, AMENDMENT, EFFECTIVE DATE**

- 5.1 These Rules of Procedure and any amendment thereto, may only be adopted by majority vote of the full Board.
- 5.2 Public notice of a proposal to adopt the Rules or any amendment thereto must be made at least seven (7) days, but not more than twenty-one (21) days, prior to the public meeting at which the Board will consider the proposed adoption or amendment. Such notice must consist of a summary of the proposal, and the time, date and location of the meeting at which it will be considered. The notice must be posted at the town office and provided to the local news media, the Town Manager, the Town Council, Town Department Directors and the Code Enforcement Officer. A copy of the complete text of the proposed adoption or amendment must be available at the town office on the date of public notice. Upon adoption by the Board, a copy of the adopted Rules or amendment must be submitted to the Town Council for their review and approval, in accordance with Chapter 4, Section 4-507(2) of the Bucksport Town Code.
- 5.3 The adopted Rules and any amendment thereto become effective on the date of approval by the Town Council.
- 5.4 These Rules, adopted by the Planning Board on June 1, 2010, constitute a major revision of the Rules of Procedure adopted by the Board on June 7, 1990. Upon the date of approval of these Rules by the Town Council with any amendment made, the Rules of Procedure adopted on June 7, 1990, shall be rescinded.

#### **6. GENERAL ADMINISTRATION**

- 6.1 The Planning Board shall perform all administrative duties and responsibilities in accordance with the requirements of Chapter 4, Article 5 of the Bucksport Town Code, and the requirements of State law.

- 6.2 All Board meetings must take place at the Bucksport Town Office, except the Board may meet in a different public facility in Bucksport with a higher seating capacity if necessary.
- 6.2.1 Board members must convene at the Bucksport Town Office for any Board meeting held for the purpose of conducting a site visit, and may only adjourn to the location of the site visit after the Chair has conducted roll call and established that a quorum is present.
- 6.3 All Board meetings other than site visits must be conducted in accordance with a prepared agenda based on the following format:
  - A. The agenda heading must identify the document as the Bucksport Planning Board Agenda, and include the date, time and place of the meeting;
  - B. Agenda item #1 is Call to Order;
  - C. Agenda item #2 is Roll Call;
  - D. Agenda item #3 is Review and Acceptance of Minutes;
  - E. Agenda item #4 is Chair's Report;
  - F. Agenda item #5 is CEO's Report;
  - G. Agenda item #6 is Limited Public Forum;
  - H. Agenda item #7 is Unfinished Business;
  - I. Agenda item #8 is New Business;
  - J. Agenda item #9 is Administrative Business;
  - K. Agenda item #10 is Discussion; and
  - L. Agenda item #11 is Adjournment.
- 6.4 All Board meetings for site visits must be conducted in accordance with a prepared agenda based on the following format:
  - A. The agenda heading must identify the document as the Bucksport Planning Board Agenda, and include the date, time and place of the meeting and where the site visit will be conducted;
  - B. Agenda item #1 is Call to Order;
  - C. Agenda item #2 is Roll Call;
  - D. Agenda item #3 is Site Visit Ground Rules;
  - E. Agenda item #4 is Commencement of Site Visit;
  - F. Agenda item #5 is Conclusion of Site Visit; and
  - G. Agenda item #6 is Adjournment.
- 6.5 Planning Board meetings are an official governmental function conducted in accordance with State law and town ordinances. The Chair shall ensure that the duties and responsibilities of the Board are conducted during a meeting without interruption, disturbance or expressions of disrespect. The Chair shall also ensure that all parties appearing before the Board are treated with fairness, courtesy and respect by all in attendance.
- 6.6 The public in attendance at any meeting may address the Board during a meeting after being recognized by the Chair to do so. Comments or questions pertaining to an agenda item may only be accepted during the Board's consideration of the agenda item, except as may otherwise be allowed by the Chair. All questions and comments must be directed to the Chair, who shall address them as deemed appropriate. The Chair may limit comments or questions from the public if necessary to preserve decorum or to prevent unnecessary delays.
- 6.7 At the commencement of any application review, the Board shall identify parties with standing that may be present. Any party with standing may actively participate in the Board's consideration of a matter that is relevant to that party, as allowed by the Chair, including providing an opening statement, submitting questions, answering questions, offering witnesses and rebuttal.
- 6.8 The Planning Board may accept oral or written evidence from any party with standing if such evidence is relevant to the matter before the Board and which, in the Chair's judgment, is necessary and appropriate to afford the matter full and fair consideration. The Chair may exclude any evidence that is unduly repetitious.

- 6.9 The public may make written, taped or filmed records of any Board meeting. The Chair shall regulate the placement and use of tape recorders and cameras as necessary to allow for the orderly conduct of the meeting.
- 6.10 The conduct of any Planning Board meeting is not bound by formal rules of parliamentary procedure, such as those identified in *Robert's Rules of Order Newly Revised*. The Chair may address any question of procedure that is not otherwise addressed in these rules by invoking a rule of parliamentary procedure, or by taking any other reasonable course of action. In the event a procedural ruling by the Chair is questioned by any member of the Board or any party with standing, the Chair may table the matter until such time the Board has been provided counsel on the proper course of action.
- 7. PUBLIC MEETINGS:** The following procedures apply to the conduct of public meetings, except site visits.
- 7.1 **CALL TO ORDER:** The Chair shall call the meeting to order and preside over all matters brought before the Board. Agenda items will be heard in the announced order, except the Chair may move an agenda item when deemed to be in the best interest of preserving the flow and order of the meeting.
- 7.1.1 Immediately after a call to order, the Chair shall provide those in attendance with a brief description of the purpose of the meeting. The Chair shall also provide instruction on decorum.
- 7.1.2 A swearing-in ceremony for newly-appointed or reappointed Board members shall be conducted by the town clerk prior to roll call, as required.
- 7.2 **ROLL CALL:** The recording secretary shall call the roll, following which the Chair shall determine if a quorum is present to conduct business. If a quorum is not present, the members present shall adjourn without conducting any business.
- 7.3 **REVIEW AND ACCEPTANCE OF MINUTES:** The Chair shall call for comments from Board members on any draft minutes before them. An oral reading of the minutes is not required, but may be allowed when deemed to be in the best interest of conducting Board business. Approval of the minutes must be by majority vote.
- 7.4 **CHAIR'S REPORT:** The Chair shall report on any items of interest to the board or public in attendance.
- 7.5 **CEO'S REPORT:** The code enforcement officer shall report on any items of interest to the board or public in attendance.
- 7.6 **LIMITED PUBLIC FORUM:** The Chair shall provide any party in attendance with an opportunity to address the Board on matters related to land use or planning in the Town of Bucksport. Comments or questions specific to pending or new applications may not be allowed during Limited Public Forum.
- 7.7 **UNFINISHED BUSINESS:** The Chair shall read aloud the agenda entry for each item of unfinished business and remove each item from the table for further consideration by the Board. The Board shall table any unfinished business item that is not duly represented.
- 7.7.1 Further consideration of each unfinished business item shall be conducted in accordance with the requirements of Appendix C, Appendix D, or Appendix K, as applicable. If Appendix C, Appendix D or Appendix K are not applicable, the Chair shall determine the appropriate consideration to be given to an unfinished business item.
- 7.7.2 Any unfinished business item may be dismissed by the Board without prejudice if any of the following apply:
- a. The item has remained on the table for 3 consecutive months without reasonable cause.
  - b. The item is subject to the requirements of Appendix C, Section 7.5.2 or Appendix K, Section 11.4.12.
  - c. The Board has received a request to withdraw the item.
  - d. The Board is unable to reach a decision or otherwise act on the item.
- 7.7.3 The Chair shall provide opportunity for any party representing an unfinished business item and for any party with standing in the matter to address the Board as may be appropriate or required.

- 7.8 **NEW BUSINESS:** The Chair shall read aloud the agenda entry for each item of new business. The Board shall table any new business item that is not duly represented.
- 7.8.1 Prior to commencing review of a new business item, the Chair must determine if any Board member holds a conflict of interest or bias in accordance with the Bucksport Town Code Chapter 4, Section 4-506.
- 7.8.2 Prior to commencing review of a new business item, the Chair shall determine if the representative of the business item has standing to appear before the Board. The Chair shall also inquire if any other party present wishes to be identified as a party with standing in the matter.
- 7.8.3 The review of any new business item subject to compliance with Appendix C, must be conducted in accordance with the requirements of Section 7.5 or Section 13 of that appendix as applicable.
- 7.8.4 The review of any new business item subject to compliance with Appendix D, must be conducted in accordance with the requirements of Section 6.8 of that appendix.
- 7.8.5 The review of any new business item subject to compliance with Appendix K, must be conducted in accordance with the requirements of Section 11.4, et seq of that appendix.
- 7.8.6 The Chair shall determine the appropriate consideration to be given to any new business item that is not subject to the requirements of Appendix C, Appendix D or Appendix K.
- 7.8.7 The Chair shall provide the opportunity for any party representing a new business item and for any party with standing in the matter to address the Board as may be appropriate or required.
- 7.9 **ADMINISTRATIVE BUSINESS:** The following activities must be considered under Administrative Business, as may be appropriate:
1. Reports from the Secretary.
  2. Nominations and elections.
  3. Setting the regular meeting date and time for the ensuing calendar year.
  4. Setting the next meeting agenda.
  5. Meeting schedule changes.
  6. Addressing Board vacancies.
  7. Consideration of a joint meeting with the Town Council.
  8. Conducting executive sessions.
  9. Budget reviews.
  10. Purchases of equipment and supplies.
  11. Annual reports.
  12. Training.
  13. Amendment of the Board's Rules of Procedure.
  14. Proposed ordinance reviews.
- 7.10 **DISCUSSION:** The Chair shall call for discussion between Board members on any topics related to planning or land use. Pending applications may not be discussed. The Chair may set a time for concluding Discussion.
- 7.11 **ADJOURNMENT:** The Chair shall adjourn the meeting upon obtaining a majority vote from Board members to do so.
- 8. PUBLIC HEARINGS:** The following procedures apply to the conduct of public hearings.
- 8.1 At the appropriate time during a public meeting, the Chair shall announce the intention to conduct a public hearing on an agenda item. Prior to opening the hearing, the Chair shall remind attendees that the Board's established rules of decorum for public meetings will remain in effect during the hearing.
- 8.2 Any oral or written evidence which is relevant to the agenda item and not unduly repetitious may be admitted during the hearing. Written evidence may include, but is not limited to, surveys, engineering plans, photographs, reports, studies, public documents, technical data and visual aids. Ten (10) copies of any document submitted to the Board must be provided. The Board is not bound by formal rules of evidence, and the Chair may accept or exclude evidence in order to conduct a full and fair hearing.

- 8.3 Anyone participating in the hearing must state for the record their name, residence, business affiliation, and the nature of their interest in the proceeding.
- 8.4 Upon commencement of the public hearing, the Chair shall invite the representative of the agenda item to make an opening statement and to present evidence.
- 8.5 The Chair shall then invite any interested parties in support of the agenda item to address the Board.
- 8.6 The Chair shall then invite any interested parties in opposition to the agenda item to make an opening statement and present written evidence, or to direct questions to the representative through the Chair.
- 8.7 The Chair shall then ask the code enforcement officer, any municipal official or any consultant for the Board to submit any comments pertaining to the agenda item.
- 8.8 Upon recognition by the Chair, board members or the board's attorney may request any party to clarify or answer questions pertaining to their testimony or evidence submitted to the Board.
- 8.9 The Chair may allow any participant in the hearing to present evidence in rebuttal to other evidence heard. Rebuttal evidence must be limited to those matters which were the subject of direct evidence submitted by an opposite party. No new evidence may be offered without the permission of the Chair.
- 8.10 At the end of the public hearing, but before it is closed, the board members or the board's attorney may direct final questions to anyone who has testified before the Board.
- 8.11 The Chair may continue the public hearing if necessary to allow interested parties to submit additional evidence or briefs.

**9. SITE VISITS:** The following procedures apply to the conduct of site visits.

- 9.1 **CALL TO ORDER:** The Chair shall call the meeting to order and preside over all matters brought before the Board. Agenda items will be heard in the announced order, except the Chair may move an agenda item when deemed to be in the best interest of preserving the flow and order of the meeting.
- 9.2 **ROLL CALL:** The recording secretary shall call the roll, following which the Chair shall determine if a quorum is present to conduct business. If a quorum is not present, the members present shall adjourn without conducting any business.
- 9.3 **SITE VISIT GROUND RULES:** The Chair shall advise all parties of the rules of participation in the site visit and expected decorum, including:
  - 1. Board members must remain together as instructed by the Chair so as to allow group interaction and participation.
  - 2. Sidebar conversations are to be discouraged.
  - 3. Members of the public in attendance must remain with the Board members during the site visit, except as otherwise allowed by the Chair.
  - 4. The public must refrain from asking questions or conversing with Board members during the site visit. All questions or comments must be directed to the Chair, who shall address them as may be appropriate.
  - 5. Any restrictions of the property owner must be respected by all parties.
  - 6. All participants must leave the property upon conclusion of the site visit.
- 9.4 **COMMENCEMENT OF SITE VISIT:** The Chair shall announce the commencement of the site visit. The visit may be comprised of a guided tour by the property owner or other recognized guide, or the Chair may set the course for the visit. The Chair may set a time for conclusion of the visit.
- 9.5 **CONCLUSION OF SITE VISIT:** The Chair shall announce the conclusion of a site visit upon determining that sufficient time and opportunity has been provided for all participants to view the site. The Chair may allow the opportunity for Board members to make observations about the site immediately upon conclusion of the site visit, or may reserve opportunity for such observations at a subsequent meeting.
- 9.6 **ADJOURNMENT:** The Chair shall adjourn the meeting upon obtaining a majority vote from Board members to do so.

## **10. DELIBERATION AND VOTING**

- 10.1 The board shall deliberate any matter before them to the extent necessary to reach a decision or take any other appropriate action. Except for any matter to be deliberated in executive session, deliberations must be conducted in public and sufficient opportunity must be provided for all board members to be heard. No further participation by any member of the public may be allowed during deliberation, except as may be allowed by the Chair to answer questions from the Board.
- 10.2 Any motion to make a criteria finding or a decision on the approval of an application must be made in the affirmative. An affirmative vote from at least four (4) members is required for the adoption of the motion. The adoption of any other motion before the Board requires a majority vote of those members present and voting, except a motion to enter an executive session must receive a three-fifths ( $\frac{3}{5}$ ) public, recorded vote of the members present and voting. Prior to calling for a vote, the Chair must call for and receive a second to a motion, and allow sufficient time for Board members to discuss the motion.
- 10.3 A tie vote is considered a defeat of a motion.

## **11. DECISION**

- 11.1 The Board shall make a written decision for its final action on each matter brought before them for their review or consideration. The written decision must include a findings of fact sufficient to apprise all parties of the basis for the decision.
- 11.2 The written decision may be drafted by the Board, or the Board may accept a draft prepared for them. The final draft must be signed by the Chair.
- 11.3 Notification of the written decision must be made in accordance with the applicable requirements of the Bucksport Town Code.

## **12. RECORD**

- 12.1 A record of the Board's review or consideration of each matter brought before them must be established and filed at the Bucksport Town Office in such a manner that such record may be readily accessed.
- 12.2 A record may consist of an application or document, exhibits, photographs, audio or video recordings, transcriptions, briefs, minutes, letters, emails, findings, and any other material related to the matter submitted for review or consideration.
- 12.3 The content of any record may only include such documents and materials that are relevant to the matter brought before the Board, and which were submitted to and accepted by the Board during their review or consideration of that matter.