

## 1) GENERAL PROVISIONS

- a) Business of the Board shall be conducted in accordance with Maine State Statutes, the most recent edition of The Town of Eliot Charter, Town Ordinances, as well as such Planning Board Standards or Policies as may be adopted by the Board.
- b) The Planning Board pledges to maintain professional conduct in the review of all proposals before it, and all other business deliberations.
  - i) All proposals shall be examined equally and equitably.
- c) Any question of whether a Member shall be disqualified from voting on a particular matter due to bias or conflict of interest must be decided by a majority vote of the Members present except the Member who is being challenged.
  - i) Any Member of the Planning Board who has a conflict of interest or bias with an application may voluntarily step down.
  - ii) If there is a question of a conflict of interest or bias brought by another Member of the Board, the applicant, or the public, that Member may be asked to step down after discussion and a majority vote by all Members, except the Member whose potential conflict or bias is under consideration.
- d) Those Board Members in attendance at meetings shall be expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.
- e) The most current edition of Robert's Rules of Order shall be the authority for making parliamentary decisions.
- f) The Minutes of Meetings and all writings required to be made by the Board may be kept by a professional secretary who is not a Member of the Board.
  - i) The Board reviews and approves minutes before submitted to the Town Clerk's Office.
  - ii) Originals of all Minutes of Meetings shall be filed with the Town Clerk.
- g) All records shall be deemed public and may be inspected at reasonable times.

## 2) MEMBERSHIP

- a) Appointments
  - i) Appointments to the Board shall be made by the Select Board of the Town of Eliot.
  - ii) Appointees to the Board shall be at least eighteen (18) years of age and legal residents of Eliot.
  - iii) The Board shall consist of five (5) Regular Members and two (2) Alternative Members.
  - iv) When there is permanent vacancy, the Select Board shall appoint a person to serve for the remainder of the term pursuant to the Eliot Charter.
  - v) The full term is five (5) years. The terms are staggered, but each full-term slot expires at Town Meeting.
  - vi) Any resignation by a Board member must be submitted in writing to the Select Board, and becomes effective when accepted by the Select Board at its next regularly scheduled meeting.
- b) A quorum of the Board, as defined by Ordinance Governing Boards, Commission, and Committees shall

be a majority of the full voting board, or three (3) Members.

c) Attendance and Participation

i) All Members are expected to attend all meetings and participate fully in the general conduct of the Board.

ii) A Member who expects to be absent from any meetings must notify the Chair of the absence in advance and state a reason for the absence. The Board has the discretion to deem it an excused or unexcused absence.

(1) Any Member who was absent during any meeting that the Member is being asked to vote on must state publicly for the record that the Member has read the minutes and reviewed any documents received and discussed at the missed meeting(s).

iii) If any Member has demonstrated excessive absence from the Board, as defined by Section 2-104(d) of the Town Code, where the sum of their unexcused absences amounts to more than 25 percent of all meetings held over any 12-month period, the Chair shall report such excessive absence to the Select Board in a timely manner and shall be responsible for submitting a written request to the Select Board to remove the member from the Board for the just cause of "excessive absence".

**3) OFFICER MEMBERS AND THEIR DUTIES**

a) Officers of the Planning Board shall consist of The Chair, Vice Chair, and Secretary.

i) All officers shall be Regular Members of the Board.

ii) In the extraordinary circumstances of absence of all officers at a meeting, a quorum of the Board may elect a Chair pro tempore for that meeting.

b) The Chair shall:

i) Preside at all meetings and hearings of the Board.

ii) Has the authority to appoint all committees, call special meetings, and call work sessions.

iii) Responsible for any communication or requests to or from another Town Board.

iv) Must be informed of and will coordinate all requests for information from the Board to any source inside or outside the Town of Eliot.

v) Will prepare the agenda for meetings.

c) The Vice Chair shall:

i) Act for the Chair in the Chair's absence.

d) The Secretary shall:

i) Act for the Chair and the Vice Chair in their absence.

ii) Attendance, alternate member voting rotation shall be kept.

iii) Review of draft minutes.

e) Alternate Board Members

i) Shall attend all meetings and participate in the proceedings.

ii) May propose motions and vote only when designated by the Chair to sit for a Regular Member.

iii) Shall be designated to vote on a rotating basis.

iv) Shall not hold office.

**4) ADMINISTRATION DUTIES**

a) Duties and jobs may be assigned or performed by any Board member or staff as the Board sees fit.

(1) Keep a record of: resolutions, transactions, correspondence, findings and determinations, and minutes for meetings of all kinds.

(2) Provide notice of meetings to Board Members, arrange proper and legal notice of hearings, prepare correspondences, and any other duties the Board may find necessary.

b) Election of Officers

- i) Nominations for office shall be made from regular voting members of the Board at the annual organizational meeting which shall be held on the first regular scheduled meeting after the annual Town meeting and the election shall follow immediately after.
- ii) A candidate receiving a majority vote of the regular voting membership of the Planning Board shall be declared elected and shall serve for one year or until their successor shall take office.
- iii) Vacancies of officers shall be immediately filled by Board election process.

**5) MEETINGS**

a) Organization

- i) All meetings in which official action is taken shall be open to the public.
- ii) Video streaming of all meetings shall be in accordance with the Eliot Charter.
- iii) The Chair may set time limits on public comment that will be applicable for the entire meeting
  - (1) Can be limited to a specific time overall, per individual, or both.
  - (2) The Chair will use discretion on time limits in order to promote good relations between The Board and the public.
- iv) Those providing input at public meetings and hearings are advised to observe general rules of decorum and address only the issues before the Board. Persons disrupting the proceedings may be asked to leave the room by the Chair.

b) Regular Meeting

- i) Meetings will be held on the first and third Tuesday of the month at Eliot Town Hall at the time specified on the Town calendar.
  - (1) Meetings may be rotated to various locations to enable better citizen rapport.
    1. There must be special attention paid to the responsibility of the notification to the Public if the meeting is to be held at other than the normal time and place.
- ii) Materials received from applicants and other interested parties will be handled in the following manner:
  - (1) The Chair will read written public comment after the application presentation but before the attending public speaks.
- iii) Public comment will be handled in the following manner at Regular Meetings:
  - (1) The Chair will recognize public comment as a specific agenda item that is open to particular concerns regarding general Board functions.
  - (2) The Chair will recognize public comment during applications before the Board that are open to particular concerns regarding the functions germane to the Board on the applications.
    1. Public comment on applications will be opened by the Chair after the initial presentation from the applicant but before the Chair closes public comment so the Board can deliberate directly with the applicant. Public's comment must be made to the Chair, and all questions and discussions between citizens and Board Members must be through the Chair.

c) Special Meeting

- i) The Chair or other presiding officer, upon majority of approval of the Board, may call a Special Meeting at any appropriate time, to conduct necessary Board business.

- d) Emergency Meeting
  - i) Shall be run in accordance with the Eliot Charter upon majority approval of the Board, and public notice shall be given as soon as possible using all means of available communication to the public and local media.
- e) Site Walks
  - i) The purpose of the site walk is for collecting information related to physical factors of a site under consideration of the Board.
  - ii) Shall be conducted like a regular meeting and decisions shall not be made during the site walk.
  - iii) The public may attend site walks but there will be no public comment or input allowed regarding the application during the site walk to any Board Member unless allowed by the Chair.
  - iv) Chair shall give verbal summary of the site walk for the record at the following meeting.
- f) Executive Sessions
  - i) Upon a concurring vote of at least three (3) members present and voting, the Board may call for an Executive Session, from which the public shall be barred. Such sessions shall be held in accordance with: MRS-Title 1, Section 405.
  - ii) Within Executive Session it shall be the Chair's responsibility to ensure that only business for which the Session was called will be discussed. The Chair shall conduct the Executive Session to ensure that compliance with the rules for Executive Session occurs.

## **6) PUBLIC HEARINGS**

- a) When an application requires a Public Hearing, the Board shall specifically schedule a Public Hearing before a final decision is made.
- b) Notice of hearings will be provided to applicants and the public in order for them to review and prepare.
- c) Notices of hearings will be provided according to applicable ordinance requirements.
- d) The Planning Board will strive to conduct public hearings in a fair and efficient manner that permits a thorough exploration of the issues to be considered.
- e) The Chair will read written public comment that has been submitted before the attending public speaks.
- f) The Chair shall recognize individuals wanting to speak, generally beginning with the abutters and ending with any other attending member of the public. The Chair shall close the Public Hearing after all have spoken, and the Board may then resume deliberations.
- g) During the Public Hearing, all statements must be made through the Chair, and all questions and discussion between citizens and Board Members must be through the Chair.

## **7) WORK SESSIONS**

- a) The Chair, or any presiding officer, may, with the approval of the majority of the Board, call a work session for the purpose of:
  - i) Implementing the Comprehensive Plan, addressing or amending Subdivision Regulations, addressing or amending Zoning Ordinances, addressing or amending Planning Board Bylaws, and any other work items as necessary.
- b) These sessions are open to the public.

- i) Since the work sessions are for Board discussion, input from the public is generally limited although input from staff, Boards, the public, and groups is permitted at the discretion of the Chair, or consensus of the Board.

**8) BYLAW AMENDMENTS**


- a) These By-laws may be amended by a four (4) Member vote of the entire voting Membership of the Planning Board.

**9) SEVERABILITY**

- a) The invalidity of any section or provision of these By-laws shall not be help to invalidate any other section or provision of these By-laws.

Adopted by the vote of the Planning Board  
June 10, 1980; May 1, 2018; September 4, 2018; December 7, 2021

  
Carmela Braun, Planning Board Chair      Feb 1, 2022  
Date

  
Richard Donhauser, Select Board Chair      February 24, 2022  
Date