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Bylaws of the Rockport Planning Board of the Town of Rockport, Maine

Section 1. Purpose and Scope

These Bylaws are established by the Rockport Planning Board to aid in the fulfillment of its responsibility under the Maine Constitution, the Statutes of Maine and the Municipal Ordinances, all of which have precedence. The Board should also consider the guidance provided by the Rockport Comprehensive Plan in guiding its review of applications. These Bylaws are intended to ensure fair and equitable treatment in all proceedings of the Rockport Planning Board.

Section 2. Planning Board Responsibility

The Rockport Planning Board shall be responsible for reviewing and acting upon land use applications as designated in the Rockport Land Use Ordinance and Subdivision Reviews in accordance with the Rockport Subdivision ordinance. The Board shall further perform such duties and exercise such powers as are provided by the Rockport Planning Board, Land Use Ordinance and the laws of the State of Maine.

Section 3. Board Membership

- A. The Planning Board consists of seven (7) regular members and up to two (2) alternate members who shall be residents of the Town of Rockport. The members shall serve without pay and shall be appointed by the Select Board to serve for staggered three (3) year terms expiring on June 30. The maximum length of continuous service shall be nine (9) years.
- B. All Planning Board members shall attend and participate in all meetings. If a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during any twelve-month period it shall result in a recommendation to the Select Board for removal of that member from the Planning Board.

Section 4. Officers; Duties

- A. A Chair and a Vice-Chair shall be elected annually by majority vote of the regular members present at the first Planning Board meeting following Annual Town Meeting in June and shall assume their duties after the adjournment of the meeting when the vote was taken.
- B. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.
- C. Should both the Chair and the Vice-Chair be absent from a Board meeting, a temporary Chair shall be appointed by the Chair prior to the meeting or, if necessary, elected by a majority of the Board present at the meeting.
- D. The Chair shall call all meetings of the Planning Board or designate an appropriate appointed official to carry out this responsibility.
- E. The Chair shall preside at all meetings of the Board. The Vice-Chair, at the Chair's discretion, may preside over selected applications. The Chair, however, remains ultimately responsible for the meeting's proper and orderly conduct.
- F. The Chair shall represent the Planning Board and be its official spokesperson in all matters.
- G. The Chair shall be responsible for ensuring that new members receive an orientation.
- H. The Town shall employ a secretary, who shall be responsible for supervising the maintenance of accurate records of the Planning Board meetings, including all official actions.
- I. Records, correspondence, and meeting minutes of the Planning Board shall be maintained in the Town Office and made available for inspection during municipal business hours.
- J. Minutes of the Planning Board meetings should be officially approved at the next regular meeting of the Board, subject to corrections, and made publicly available. Such approved minutes shall constitute the official record of the meetings of the Board. Video or audio recordings produced by the Town shall be considered supplemental to the official record.

Section 5. Meetings

- A. A regular meeting of the Planning Board shall be held once a month in the Rockport Opera House. The day and time of the meeting shall be posted on the Town website. Additional meetings may be called when warranted. The date, time, and place of any regular meeting may be changed by a motion passed at the previous meeting of the Board.
- B. A quorum of the Board necessary to conduct official business shall consist of four (4) members. No official action of the Board may be taken unless it receives at least four (4) affirmative votes.

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- C. The date, time, place and agenda for meetings shall be established by the Planning and Development Director in coordination with the Board Chair, made available to all Board members and posted for the public at least six days prior to the meeting. Application materials and related work products provided by staff shall be made available to Planning Board members no later than 3:00 pm Friday prior to the next meeting.
- D. Site walks may be scheduled as deemed necessary by the Chair and, if so, public notice of the time and place shall be included on the agenda for the Board's next scheduled meeting. Members of the public may attend site walks, but no public comment shall be considered by the Board and the Board shall not keep a record of any comments heard during a site walk. Future Planning Board action may be based on observations made on site, but only after such observations are discussed during a regular meeting.
- E. Workshops may be scheduled as deemed necessary by the Chair and, if so, public notice of the time and place shall be posted at least two (2) days in advance. Members of the public may attend workshops, but no public comment shall be considered by the Board and the Board may, at the discretion of the Chair, choose whether to keep a record of any comments made during a workshop. Future Planning Board action may be based on discussion in Workshops, but only after such discussion is reviewed during a regular meeting.
- F. Such meetings may be held in person or if allowed by state law or town policy, via electronic conference call or similar means if for some reason it is impractical for the Committee to meet in person.

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Section 6. Rules of Procedure

A. General

- 1. Meetings shall be conducted in accordance with Maine Statutes, Town Ordinances, and these Bylaws. The Board may establish special rules for the conduct of any business provided such establishment of rules does not violate state or municipal law or ordinance.
- 2. Information relating to a request for land use approvals shall be considered by the Planning Board only in one or more of the following manners:
 - a. As a Pre-Application presentation;
 - b. As a part of a formal request for approval by the Planning Board submitted in accordance with the local land use and/or subdivision ordinances and application procedures established by the Planning and Development Department;
 - c. As verbal or written testimony during a public hearing;
 - d. Or at the request of a majority of the Board present and eligible to vote. In the event that a minimum quorum of four (4) voting members are present, four (4) affirmative

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votes are required to take action.

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B. Procedure

1. If a quorum is present, the Chair shall call the meeting to order at the appointed time.
2. The Chair shall declare all votes. If any member doubts a vote, the Chair shall order a recount of the affirmative and negative votes without debate. The secretary shall record all votes.
3. Prior to consideration of any agenda item before the Board, each Board member shall declare any potential conflict of interest to the Board with respect to that item. A Board member may voluntarily refrain from participation on an agenda item. If a possible conflict of interest is raised and the Board member in question asserts that there is no conflict that will influence his or her conduct, the Board shall determine whether a conflict exists by majority vote. A member thus found to have a conflict of interest shall be ineligible to vote on that item.
4. Prior to consideration of any agenda item before the Board, the Chair shall determine which members shall be eligible to vote. The Chair may appoint an alternate member for this purpose so long as the total number of members eligible to vote does not exceed seven (7).
5. A presentation by an applicant shall not exceed fifteen (15) minutes in length without permission of the Chair.
6. The Chair shall preserve decorum and decide all questions of order and procedure, including the extent to which a member who is not eligible to vote on a request for land use approvals may participate in or be removed from the Board's deliberations on that item.
7. The agenda may be rearranged at the Chair's discretion.
8. The Board shall not begin to hear any new agenda item commencing after 9:30 p.m. except by unanimous vote of members present and eligible to vote on that item.
9. No meeting of the Board shall continue beyond 10:00 p.m. except upon unanimous vote of members present and eligible to vote at that time.

C. Public Participation

1. All public hearings held by the Planning Board as required by law or ordinances of the Town of Rockport, in addition to meeting special requirements of such law or ordinances, shall provide all interested parties with an opportunity to be heard. However, the Chair may limit discussion to new and pertinent information.
2. Members of the public wishing to address the Board concerning an agenda item shall wait until the Chair asks for public comment. When recognized by the Chair, the speaker shall state the speaker's name and address in an audible tone for the record.

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3. The speaker shall limit remarks to the issue under discussion and a single speaker's comments shall be limited to 3 minutes. The total time for public comment on a single application shall be limited to 45 minutes in one meeting. The Chair can use its discretion to extend these time limits.
4. Persons wishing to address the Board on an item not appearing on the agenda may do so only after disposition of all items appearing on the agenda, and only at the discretion of the Chair.
5. The Chair may reopen a closed public hearing with the consent of most of the members present and eligible to vote.
6. Members of the public may attend Planning Board workshops and site walks. Public comment at workshops shall be permitted solely at the discretion of the Chair.
7. The public can provide their comments in writing to the Planning Board, either digitally to the specified Town email address or in writing at the Rockport Town Office, at least 72 hours in advance of a meeting, for those comments to be considered by the Board at that meeting. Comments provided to the Board later than 72 hours prior to a meeting, may not allow sufficient time for this material to be fully reviewed and considered by the Board at the next meeting.

The Chair shall be empowered, in consultation with the Town Manager, to consult Town Counsel for the purpose of clarifying any legal concerns including, but not limited to, procedure and process. Further, the Chair may request the attendance of the Town Attorney at any given Planning Board meeting.

Section 7. Voting Procedures

- A. The Board shall vote only by motion, second and discussion, except on the question of whether to adjourn a meeting. A vote shall be called immediately, without discussion, as soon as a motion to adjourn and a second are made. Each motion shall be confined to one subject, which shall be clearly expressed.
- B. To form a decision on an application for land use approval, the Board may adopt selected findings of fact, by vote and in writing, using a checklist or similar work product to be prepared by Planning and Development staff.
- C. The Planning Board may reconsider any decision on a request for land use approvals within forty-five (45) days of the decision. In such cases, a motion to reconsider shall be made by a member who voted in the majority on the decision in question.

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Section 8. Waivers; Amendments

These bylaws, or any provision thereof, may be waived but only if they remain consistent with applicable law. These bylaws may be amended at any time in writing by majority vote of the Board after notice on the proposed amendment but shall not be effective until approved by the Select Board.

Approved by the Planning Board October 2018

Approved by the Planning Board August 2019

Approved by the Select Board on September 23, 2019

Approved by the Planning Board May 14, 2020

Approved by the Select Board May 26, 2020