



Bylaws of the Zoning Board of Appeals of the Town of Rockport, Maine

Section 1. Purpose and Scope

These By-Laws are established by the Rockport Zoning 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. These By-Laws are intended to ensure fair and equitable treatment in all proceedings of the Rockport Zoning Board.

Section 2. Membership

- A. The Zoning Board consists of seven (7) regular members and 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 Selectmen 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 Zoning Board members shall attend all meetings. If a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve-month period it shall result in a recommendation to the Selectmen for removal of the member from the Board.

Section 3. Officers; Duties

- A. A Chair and a Vice-Chair shall be elected annually by the Board members at the first scheduled meeting on or after July 1, and they shall each assume their duties at that meeting.
- 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 elected by a majority of the Board present at the meeting.
- D. The Chair shall call all meetings of the Zoning Board and shall preside at all meetings of the Board.
- E. The Chair shall represent the Zoning Board and be its official spokesperson in all matters.
- F. The Chair shall be responsible for ensuring that new members receive an orientation.
- G. The Town shall employ a secretary, who shall be responsible for supervising the maintenance of accurate records of the Zoning Board meetings, including all official actions.
- H. Records, correspondence, and meeting minutes of the Zoning Board shall be maintained in the Planning Office and may be inspected during municipal business hours, and publicly available.
- I. Minutes of the Zoning Board meetings shall, whenever practical, be officially approved at the next regular meeting of the Board, subject to corrections. Such approved minutes shall constitute the official record of the meetings of the Board.
- J. The chair shall be empowered, in consultation with the town manager, to consult Town counsel to clarify any legal concerns including, but not limited to, procedure, process, and attorney attendance at any given meeting.

Section 4. Meetings

- A. Regular meeting of the Zoning Board shall normally be held on the third Wednesday of the month in the Rockport Opera House Meeting Room, or such other time and place that the Board may designate.
- B. No meeting of the Zoning Board shall start without a quorum consisting of four regular members. Alternate members may be seated by the chair when a vacancy occurs. The Board shall act by majority vote of those members present and authorized to vote.
- C. If an alternate board member sits for an appeal that gets continued to another time, that alternate shall have precedence over a returning regular board member in sitting for the continuance of that appeal. In no case shall any member, regular or alternate, be allowed to join an appeal in progress without a declaration that they have studied all of the relevant documents, video coverage, and minutes germane to the issue.
- D. The agenda for regular meetings shall be established by the Planning Office 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.

- E. Site walks, as deemed necessary by the Board, may be scheduled. Members of the public may attend site walks.
- 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 Board to meet in person.

Section 5. Rules of Procedure

A. General

1. Meetings shall be conducted in accordance with Maine Statutes, Town Ordinances, these By-Laws, and pertinent parts of the latest revision of the Maine Moderators Manual; however, 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. An individual wishing to assure Zoning Board consideration of any matter shall provide all appropriate materials to the Planning and Codes Office at least fifteen (15) days in advance of a regular or special meeting.
3. Information shall be presented to the Zoning Board in one or more of the following manners. No information shall be submitted except in one of these manners:
 - a. As a part of a formal application to the Zoning Board submitted 15 days in advance of a scheduled hearing.
 - b. As verbal or limited written testimony during a public hearing.
 - c. Or at the request of the majority of the Board present and eligible to vote.

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 question of a possible conflict of interest is raised and the Board member asserts that there is no conflict that will influence his or her conduct, the board, after discussion, shall determine by a majority vote whether a conflict exists. A Zoning Board member with a conflict of

interest shall refrain from participating, influencing, and voting on the agenda item that precipitated the conflict of interest by physically removing him or herself from the table, but may participate in the discussion from the audience as a member of the public.

4. A presentation by an applicant shall not exceed fifteen (15) minutes in length without permission of the Chair.
5. The Chair shall preserve decorum and decide all questions of order and procedure.
6. The agenda may be rearranged at the Board's discretion.
7. No meeting of the Board will go beyond 10:00 p.m. except upon unanimous vote.

C. Public

1. All public hearings held by the Zoning 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. The Chair may, however, limit discussion to new information and to 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. The speaker shall limit remarks strictly to the issue under discussion.
3. 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.
4. The Chair may reopen a closed public hearing with the consent of the majority of the Zoning Board.

Section 6. Voting Procedures

- A. The Zoning Board shall act only by motion. Each motion shall be confined to one subject, which shall be clearly expressed.

Section 7. Waiver; 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 – Zoning Board after notice on the proposed amendment but shall not be effective until approved by the Select Board.

Approved by the Zoning Board of Appeals September 25, 2002
Approved by the Select Board September 10, 2003
Revisions approved by Zoning Board of Appeals February 12, 2020
Approved by the Select Board on March 9, 2020
Approved by the Zoning Board of Appeals February 3, 2022
Approved by the Select Board on February 14, 2022