

Town of Greenville, Maine
Planning Board Bylaws

Section 1. Scope and Purpose

- A. The provisions of these Planning Board Bylaws (hereinafter "Bylaws") shall apply exclusively to the Town of Greenville Planning Board (hereinafter the "Board").
- B. The purpose of these Bylaws is to establish reasonable rules for the transaction of Board business and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs, and to provide a publicly accessible record outlining Board procedures and policies.
- C. Board meetings shall be conducted in accordance with the Maine Constitution, the Maine Revised Statutes Annotated, and the Greenville Maine Code of Ordinances. Nothing in these Bylaws shall be construed to supersede any valid law or ordinance.

Section 2. Adoption and Amendment

- A. These Bylaws shall be adopted by a majority vote of the Board.
- B. These Bylaws may be amended at any time by a majority vote of the Board.

Section 3. Planning Board Members

- A. The Board shall consist of five (5) regular members appointed by the Select Board for the Town of Greenville for terms of three (3) years.
- B. The Board shall consist of two (2) alternate members appointed by the Select Board for the Town of Greenville for terms of three (3) years. The alternate members shall be designated as first alternate member and second alternate member by the Select Board. Alternate members may and should attend all meetings of the Board and may participate in its proceedings but may vote only when he or she has been designated by the chairperson to sit for a regular member.
- C. Board members are expected to be knowledgeable of relevant laws, ordinances, and Board policies and to abide by them.
- D. Board members are not to bring matters of personal concern that do not impact the Town at large to the Board for discussion.

Section 4. Attendance at Meetings

- A. When a Board member is unable to attend a scheduled Board meeting, notification will be made to the Board chairperson in advance, in order to facilitate the work of the Board at that meeting.
- B. Pursuant to the Boards' Remote Participation Policy adopted September 27, 2021, Board members may attend meetings remotely via video conferencing if such video conferencing is available for that meeting. Attendance via video conference shall constitute full attendance at that meeting.

- C. Failure to attend more than three consecutive meetings without notice and/or just cause shall constitute a reason for the chairperson to make a written request for that member's resignation. Just cause for failing to attend a meeting may include medical, professional, or family matters.
- D. [reserved]

Section 5. Officers and Duties

- A. Officers of the Board shall consist of a chairperson and secretary to be chosen annually at the meeting following the annual Town meeting by and from regular Board members. The term of all officers shall be one year with eligibility for re-election.
- B. The chairperson shall preside at all Board meetings and shall have authority to rule on questions of procedure to maintain order. He/she shall determine the course of proceedings and may take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs.
- C. The chairperson also shall, together with the code enforcement officer, set the agenda for each meeting.
- D. In the absence of the chairperson, the members who are present shall, by majority vote, select a member to act for the chairperson.
- E. The secretary or designee shall maintain a permanent record of all Board meetings.

Section 6. Regular Meetings

- A. The chairperson shall call meetings of the Board as required. Regular meetings of the Board shall take place on the second and fourth Monday of each month. In the event that the second or fourth Monday falls on or near a holiday, or if other circumstances warrant, upon a majority vote of the Board at a prior meeting, the date or time of the next regular meeting may be changed. Notice of the change shall be published no less than one week in advance on the Town of Greenville website.
- B. Meetings shall be held at the Greenville Town Office at 5:00 PM, unless otherwise noticed no less than one week in advance.
- C. Public Hearings, when scheduled, shall be held at the Greenville Town Office at 5:00 PM, immediately preceding the regular meeting, unless otherwise noticed no less than one week in advance.
- D. The order of business at regular meetings of the Board shall be as follows: (a) roll call; (b) reading and approval of the minutes of the preceding meeting; (c) action on held cases; (d) other business; (e) adjournment.
- E. All meetings shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The board shall not hold executive sessions except as permitted by Maine's Right to Know Law.
- F. Meeting notices and agendas will be made available to the public no less than one (1) week prior to the regular meeting. Notices and agendas will be published on the Town of Greenville website.

- G. The Secretary shall attend all meetings of the Board and shall take all minutes as appropriate. In the event that the Secretary is absent from a meeting, a majority of the Board members present shall vote for another member to act as the Secretary. Minutes shall be approved by vote of the Board at a subsequent meeting and shall be kept in the Town Clerk's office and published on the Town of Greenville website.
- H. Meetings may be cancelled by the chairperson if there is no business to come before the Board, or in the event of inclement weather or other exigent circumstances.

Section 7. Special Meetings

- A. Special meetings of the Board may be called by the chairperson with no less than forty-eight (48) hours written notice of the time, place and business of the meeting. This notice shall be given to each member of the Board, each member of the board of selectmen, the code enforcement officer, and shall be posted on the website for the Town of Greenville.
- B. The chairperson shall call a special meeting within ten (10) days of receipt of a written request from any three (3) members of the Board, whose request shall specify the matters to be considered at said special meeting.
- C. For the purposes of this section, written notice shall include communications sent via email.

Section 8. Public Hearings

- A. The Board shall hold a public hearing whenever it deems necessary or as required by Maine State Law or by ordinance.
- B. Public hearings shall be advertised in newspapers of general local circulation. The cost of advertising for public hearings shall be paid by the applicant involved with such hearing.
- C. The advertisement of the hearing shall state the general nature and location of the question involved.
- D. Hearings shall begin with an explanation by the chair of the process about to begin by summarizing the items listed herein including that all matters are conducted through the chair, and that the public must comment only when specifically allowed. The chair must emphasize that no decisions are made during the hearing and the process may not conclude during the current meeting. Finally, the chair will state that order must be maintained and is required of all participants.
- E. The hearing will be declared open, stating the applications and time the hearing was opened.
- F. The chair will call for a presentation by the applicant or representative or attorney and witnesses without interruption.
- G. Clarifying questions will be allowed through the chair to the applicant by Board members and people who will be directly affected by the project (e.g., abutters) and requests for more detailed information on the evidence presented by the applicant.
- H. The chair will call for presentations by abutters or others, their attorneys, and witnesses who will be directly affected by the project.
- I. Clarifying questions will be allowed through the chair, by the applicant and Board members to the people directly affected and the witnesses who made presentations.

- J. Rebuttal statements may be presented by any of the people who testified previously. Comments or questions by other interested people in the audience will be allowed, with questions from the applicant or Board and rebuttal as appropriate.
- K. The chair will declare the hearing closed, stating the time of close.

Section 9. Conflicts of Interest

- A. Board members with a conflict of interest shall make known that interest and shall refrain from voting or otherwise participating in his or her capacity on the Board. That member shall step away from the Board for any vote or discussion concerning the matter but shall be able to participate as is allowed for any member of the general public.

Section 10. Voting

- A. A quorum shall consist of four (4) members of the Board.
- B. In the event that a regular member is absent from a meeting, or is disqualified due to a conflict of interest, the first and second alternate members, in that order, shall assume the duties and responsibilities of the absent regular member(s). The alternate member will act for the regular member until the matter is decided.
- C. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.
- D. All matters shall be decided by a show of hands vote when members are all in attendance in person, or by roll call when one or more Board members attends remotely. Decisions on any matter before the Board shall require the affirmative vote of a majority of the total number of regular members of the Board (or alternate member who has assumed the duties and responsibilities of a regular member).
- E. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.

Section 11. Reconsideration

- A. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all parties, and make any change in its original decision within fourteen (14) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.
- B. Reconsideration should be for one of the following reasons:
 - i. The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or
 - ii. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

Section 12. Severability

The invalidity of any section or provision of these bylaws shall not be held to invalidate any other section or provision of these bylaws.

Section 13. Effective Date

The effective date of these bylaws is March 14, 2022.