

Bill Ethier

From: Legal Services Department <legal@memun.org>
Sent: Thursday, July 15, 2021 3:49 PM
To: ceo@greenvilleme.com
Subject: RE: Town of Greenville Legal Information Request - Public Hearing for Subdivision

Hi Bill,

Yes, please feel free to reply to an email whenever you have a follow up question.

Public participation is generally required only at a public hearing. If the Planning Board decides not to hold a public hearing under § 4403 and instead discusses a subdivision application at a public Board *meeting*, then the Board would have the ability to control whether to permit public participation, and if so, then how much. The Freedom of Access Act (FOAA) neither requires nor prohibits public participation at a public meeting – it only requires that members of the public be permitted to *attend* a Planning Board meeting. If the Board thinks that it could benefit from allowing abutters to ask questions or make comments at its meeting, then it is free to do so.

I hope this helps.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in-state)
207-623-8428
FAX 207-624-0187
legal@memun.org

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

From: Bill Ethier [<mailto:ceo@greenvilleme.com>]
Sent: Thursday, July 15, 2021 11:50 AM
To: Legal Services Department <legal@memun.org>
Subject: RE: Town of Greenville Legal Information Request - Public Hearing for Subdivision

Hi Michael,

I hope it is okay if I respond to your e-mail. I brought your answer to the Planning board at our meeting. They then asked on your second paragraph about the public meeting being held, and you say public participation is not required as it would be a public meeting. If we send abutters notices of a Conditional Use or Subdivision, are they allowed to speak at a public meeting or only at a public hearing? One of our PB members thought the only time the public could speak would be at a public hearing and not at a public meeting. He thought the only way they could speak would be through a

letter. I don't know if we are getting into the weeds too deep, but I cannot answer these questions. Can you please help me?

Thanks,

Bill Ethier

From: Legal Services Department [<mailto:legal@memun.org>]
Sent: Monday, July 12, 2021 9:33 AM
To: ceo@greenvilleme.com
Subject: RE: Town of Greenville Legal Information Request - Public Hearing for Subdivision

Bill,

The subdivision statute states that the Planning Board may decide to hold a public hearing on a subdivision approval application, but it is not required to do so. 30-A M.R.S. § 4403(4). If the Board does decide to hold the hearing, then it should schedule it no earlier than 30 days after it deems the application to be complete. Notice of the hearing should be given directly to the applicant as well as published in a newspaper of general circulation at least twice, with the first publication being at least 7 days before the hearing.

If the Board decides *not* to hold a public hearing, then its meeting is still subject to the FOAA requirements for a public proceeding, i.e., it must be open for the public to attend and observe, although public participation is not required as it would be at a hearing.

The state subdivision law also requires a public hearing with at least 7 days' notice whenever the "municipal reviewing authority" adopts, amends, or repeals a local subdivision regulation. 30-A M.R.S. § 4403(2). The municipal reviewing authority is generally the planning board. However, as noted in the statute, any regulations adopted by a planning board authorized to review subdivisions may be repealed or replaced by the municipality's legislative body (i.e. the Town Meeting).

I hope this helps.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in-state)
207-623-8428
FAX 207-624-0187
legal@memun.org

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

From: Webmail <webmail@memun.org>
Sent: Thursday, July 8, 2021 2:50 PM

To: Legal Services Department <legal@memun.org>

Subject: Legal Information Request - Public Hearing for Subdivision

Legal Services - Web Member Inquiry - Bill Ethier - Greenville

Municipality	Greenville
Subject	Public Hearing for Subdivision
Full Name	Bill Ethier
Title	CEO
Email Address	ceo@greenvilleme.com
Telephone	695-2421
Fax Number:	695-4611
Address	7 Minden Street
City/ Town	Greenville
Zip	04441

Comments:

Hello, Our Ordinance states regarding subdivisions that it is up to the Planning Board to decide if they require a Public Hearing. I was informed from a PB member that they thought it was State law to have a Public Hearing on any subdivisions. Can you please advise if Public Hearings are required? Thanks, Bill Ethier

Inquiry ID: 1c345680-8f0f-44ca-b03a-1edcf6e1e6ec
IP Address: 72.95.115.250