

Bill Ethier

From: Legal Services Department <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However, as noted in the statute, any regulations adopted by a planning board authorized to review subdivisions may be repealed or replaced by the municipality's legislative body (i.e. the Town Meeting).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

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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