

# TOWN OF OGUNQUIT

## PLANNING BOARD

### BY-LAWS

#### I. INTRODUCTION

- 1.1 Business of the Board shall be conducted in accordance with Maine Amended Statutes Annotated, Town Ordinance, Robert's Rules of Order including, without limitation, the section relating to reconsideration of decisions, as well as the Subdivision Regulations and the Town Charter. (Amended 9-12-2022)
- 1.2 The Planning Board pledges to maintain professional conduct in the review of all proposals before it and all other business deliberations. All proposals shall be examined equally and equitably. If for any reason an individual Board Member feels that he or she has a conflict of interest, the Member shall declare that interest. (See 2.4.3)
- 1.3 The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any Member of the person's immediate family (e.g. grandparent, parent, spouse, child, grandchild, lifepartner) or to his/her employer or any member of the employer's immediate family. It also includes a situation where the Board Member, by reason of interest, is placed in a situation of temptation to serve the Member's own personal interest instead of the public's interest. Any question of whether a Member must be disqualified from voting on a particular matter must be decided by a majority vote of the Members present except the Member who is being challenged.
- 1.4 Planning Board Members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them. (Amended 9-12-2022)

#### II. MEMBERSHIP

##### 2.1 *Conditions of Membership*

- 2.1.1 Appointment of Members and Alternate Members shall be conducted pursuant to section 801 of the Town Charter.
- 2.1.2 The filling of vacancies shall be governed by Section 801 of the Town Charter.

- 2.1.3 A vote of the Planning Board quorum may direct the attention of the Selectmen to any conditions suggesting that a Planning Board Member be required to forfeit his or her membership, pursuant to section 803 of the Town Charter. Members may be recalled and removed from office by the voters, pursuant to section 803 of the Town Charter.

## 2.2 *Officers and Their Duties*

- 2.2.1 The officers of the Planning Board shall consist of the Chair and Vice-Chair. The Chair and Vice-Chair shall be full Members of the Board. The Minutes of Meetings and all writings required to be made by the Board may be kept by a professional secretary who is not a Member of the Board.
- 2.2.2 The Chair shall preside at all Meetings and hearings of the Planning Board. The Chair has the authority to appoint all committees, to call all work sessions, and to preside over Executive Sessions.
- 2.2.3 The Vice-Chair shall act for the Chair in his or her absence.
- 2.2.4 The Secretary shall be responsible for the Minutes and records of the Board, prepare agenda of regular Meetings and special Meetings with the Chair, provide notice of the Meetings to the Board Members, arrange proper and legal notice of hearings, attend to correspondence of the Board and such other duties as carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, attendance, findings and determinations of the Board. All records shall be deemed public and may be inspected at reasonable times.
- 2.2.5 Officers can, with cause, be removed and/or replaced by a majority vote of the Board. The election of the new officer or officers shall take place immediately.

## 2.3 *Election of Officers*

- 2.3.1 Nominations of officers shall be made from among the full Members of the Board at the annual organizational Meeting which shall be held at the Planning Board Meeting immediately following the Select Board's appointment/reappointment of Planning Board Members.
- 2.3.2 A candidate receiving a majority vote of the full Members of the Planning Board shall be declared elected and shall serve for one (1) year.
- 2.3.3 Vacancies of officers shall be filled immediately by regular election procedures. (Amended 6-24-2008).

## 2.4 *Other Board Members*

- 2.4.1 An alternate Member shall attend all Meetings and participate in the proceedings, but may vote only when designated by the Chair to sit for a full Member. Alternate Members shall be designated to vote on an alternating basis. (Amended 8-18-2003)
- 2.4.2 When a Member is unable to act for any reason, the Chair shall designate an alternate Member to sit in his or her stead.
- 2.4.3 Any question of whether a Member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the full Members present except the Member who is being challenged.

## III. MEETING ORGANIZATION

### 3.1 *Regular Meeting*

- 3.1.1 Meetings may be held on the second and fourth Mondays of the month beginning September, 2005 at the time specified on the Town calendar or when designated by the Board. The Board will have a hard meeting stop time of 10:00 p.m. and will not take up new applications after 9:15 p.m. The standard Meeting place shall be at the Dunaway Center. (Amended on 8-10-2015) (Amended 9-8-2022)
- 3.1.2 All Meetings in which official action is taken shall be open to the public.
- 3.1.3 Regular Meeting agendas must follow the following format:
  - a) Roll Call - call to order and determine the presence of a quorum;
  - b) Pledge of Allegiance;
  - c) Mission Statement;
  - d) Minutes of the previous Meeting;
  - e) Public Input – limited to three minutes per person;
  - f) Unfinished Business;  
Public Hearing(s)
  - g) New Business;
  - h) Code Enforcement Officer Business;
  - i) Other Business;
  - j) Adjournment.
- 3.1.4 The Board may change the order of business upon a majority vote of the Board.

- 3.1.5 Agendas must be posted in the Municipal Office, the Ogunquit Post Office, the Town's Website ([www.townofogunquit.org](http://www.townofogunquit.org)), and WOGT no later than the Thursday of the week preceding the Meeting.
- 3.1.6 A quorum shall consist of three (3) Members.
- 3.1.7 In no case can a Motion carry without at least three (3) Members voting in its favor. Members must vote on all issues unless excused for cause by the Board.
- 3.1.8 For each application filed, during the course of the Board's review and prior to the Board's vote, the Chair shall ask for comment from any abutters present at the Meeting.
- 3.1.9 Materials received from applicants and other interested parties will be handled in the following manner: (This entire section added 10-4-2004)
  - 3.1.9.1
    - If the late materials were not requested to be submitted by the Planning Board at a prior Meeting, they will not be handled at all until the next Meeting, or at the discretion of the Board.
  - 3.1.9.2
    - If the late materials were requested by the Planning Board to complete an application, such late materials will be handled as follows:
      - 3.1.9.2.a Such late submittals shall be held by the Land Use Office staff until the scheduled Planning Board Meeting time and will be carried to the Meeting by the staff. Late materials will not be inserted in the Board's regular Meeting packets. Packets will not be delayed to accommodate late submittals and will only contain materials submitted before the 14-day deadline. Supplemental packets will not be prepared and the Board Members will only receive one packet prior to each Meeting.
      - 3.1.9.2.b During the scheduled Planning Board Meeting, if late submittals are being held by the staff, as each case is begun, the Land Use Secretary will inform the Chair that such late submittals are being held.
      - 3.1.9.2.c Such late submittals may only be considered at the discretion of the Planning Board. The Board shall

only consider accepting late submittals upon finding that the content is non-technical, brief and may be easily reviewed in a short period of time and any parties to the proceeding will have adequate time to review and respond to the submittals during the course of the Meeting. If the submittals are complex or lengthy, the Board may not consider them and they will be distributed in packets for the next Meeting.

3.1.9.3 Materials submitted by Town Staff or Town Consultants be handled in the following manner: During the 14-day period before each Meeting, Town Staff and Consultants will prepare memoranda, diagrams and gather other background materials to aid the Board in their interpretation of the applicant's submittals. These materials will be transmitted to the Board as soon as they become available, in as much time prior to the Meeting as possible. Copies of such materials, prepared or gathered by Town Staff or Town Consultants, will be provided to the applicants by the Land Use Office as soon as they are available. Such materials should be prepared by the Friday afternoon prior to the Meeting to give time for Board Members, applicants, their representatives or consultants and any other interested parties to review them prior to the Meeting. If it is necessary for Town Staff or Town Consultants to provide the Board with such materials at the Meeting without time for prior review by Board Members or other, the Board may choose not to utilize such new materials.

3.1.10 When the agenda for a scheduled Planning Board Meeting has been finalized, the Planning Board Chair, Code Enforcement Officer and Land Use Secretary will meet to review the agenda and determine if it is necessary to begin the Planning Board Meeting earlier than the normal 6:00 PM start time. The decision to begin the Meeting earlier will be based upon the number of new applications submitted and the anticipated amount of time each new application will require, as well as the number of applications under "Unfinished Business" and the anticipated amount of time each of those applications will require (Amended 9-24-2008).

## 3.2 *Workshop Sessions*

- 3.2.1 The Chair may, with approval of the majority of the Board, call special work sessions for the purpose of updating the Comprehensive Plan, Subdivision Regulations, Zoning Ordinances, Planning Board By-Laws and other information work items necessary. A quorum must be present to conduct any workshop business.
- 3.2.2 These sessions shall be open to the public. The general public shall be barred from addressing the Board with the following exceptions:
  - 3.2.2.1 In the event that the topic of the work session involves such matters in which the Board has requested that a Citizens Advisory Group be established to aid the Board in its findings and deliberations, said group shall be allowed to contribute its comments during the discussion phase of the Meeting.
  - 3.2.2.2 Any officials, citizens, etc., who have been specifically requested by the Board to have input to that Meeting may do so.
  - 3.2.2.3 Input from other interested citizens shall be reserved for a time designated within the regular Meetings of the Planning Board or for a specific time designated by the Planning Board, or at the discretion of the Chair.

## 3.3 *Executive Sessions*

- 3.3.1 Upon a vote of a majority of the Members present and voting, the Planning Board of the Town may call for an executive session from which the public shall be barred as per 1 M.R.S.A., Chapter 13, Section 405.
- 3.3.2 The Motion to go into executive session shall indicate the nature of the business of that session and no other matters may be considered. No ordinances, regulations, contracts, appointments or other official action shall be finally approved at such executive sessions, which may be held on the following matters only:
  - 3.3.2.1 Certain discussions concerning employees, consultants or appointees. Discussion or consideration of employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining or resignation of public officers' appointees, consultants or employees of the Planning Board or the investigation or hearing of charges or complaints against such persons.

3.3.2.2 Discussion or consideration of the dismissal of any employee, consultant or Member.

3.3.2.3 Certain legal considerations. Consultations between the Planning Board and its attorney concerning the legal rights and duties of the Planning Board, pending or contemplated litigation, settlement offers and matters where the duties of the Planning Board's counsel to his or her client pursuant to the Code of Professional Responsibility clearly conflicts with the Maine Right-to-Know Law or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage.

3.3.3 Within the executive session, it shall be the Chair's responsibility to ensure that only that business for which the session was called will be discussed. The Chair shall conduct the executive session to ensure the compliance with the rules for executive session occurs.

#### IV. BY-LAWS AMENDMENTS

- 4.1 These By-Laws may be amended by a four (4) Member vote of the entire Membership of the Planning Board.
- 4.2 The invalidity of any section or provision of these By-Laws shall not be held to invalidate any other section or provision of these By-Laws.
- 4.3 Any prior inconsistent provision or portion of the Planning Board By-Laws of the Town of Ogunquit, as amended, is hereby saved and remains in effect in the event that all or any portion of these By-Laws is found to be unlawful by a court of competent jurisdiction.

**ADOPTED BY VOTE OF THE PLANNING BOARD OF OGUNQUIT:** Amended and Readopted 5/8/00; Not adopted in 2001; 6/17/02; 5/19/03; Amended and Readopted - 8/18/03; 5/10/04; Amended and Readopted on 8/23/04; Amended and Readopted on 10/4/04; Amended and Readopted on 7/6/05, Amended and Readopted 7/9/07, Amended and Readopted 10-9-07, Amended and Readopted 6-24-08, Amended and Readopted 9-24-08, Amended and Readopted 6-28-10, Amended and Readopted; 8-11-14, Amended and Readopted July 11, 2016. Amended and Readopted April 23, 2018; Amended and Readopted December 9, 2019; Amended and Readopted February 10, 2020, Amended and Readopted September 12, 2022.

Select Board adopted October 18, 2022