

# BY-LAWS OF THE ARUNDEL PLANNING BOARD

## SECTION I: PURPOSE

The purposes of the Arundel Planning Board are:

- A) To maintain a continuing land use program;
- B) To review and make decisions on complete applications submitted for subdivision or development plan approval pursuant to the Arundel Subdivision Review Standards and Arundel Land Use Ordinance.

## SECTION II: DUTIES

The duties of the Arundel Planning Board include the following:

- A) Prepare, recommend, and administer land use guidelines, ordinances, and regulations for the Town of Arundel.
- B) Review all applications for subdivision or development plans and approve, deny, or approve with conditions each such application.
- C) Submit an annual report to the Municipal Officers of the Board's activities.

## SECTION III: MEMBERSHIP

- A) As set forth in the Arundel Town Charter, membership shall be five (5) to seven (7) members with staggered three (3) year terms, appointed by the Town Manager with approval of the Board of Selectmen. Members must also be a resident of and registered voter in the Town of Arundel.
- B) When a member is unable to act on a particular agenda item due to a conflict of interest as stated in M.R.S.A. 30-A Section 2605, conflict of interest, or for any other reason, that member shall at the time the agenda item is reached not participate as a member of the Board and remove himself from the table. The Board may decide by majority vote of the remaining members if there is sufficient reason to disqualify a member from voting.
- C) A simple majority of the appointed members of the Board is required to conduct an official Planning Board meeting. There can be no consideration given to any application or request when less than a majority of the Board members are present. The meeting shall be rescheduled.
- D) When a permanent vacancy exists the Town Manager shall appoint a person to serve for the unexpired term of that member.
- E) Should any member, without prior notice and without good cause, be absent from four consecutive, regularly scheduled meetings of the Board, or fail, in any six-month period to attend at least fifty percent (50%) of the regularly scheduled meetings of the Board, then the Chair shall contact that member and request a statement of intent. If there is no response within one month, then that member shall be deemed to have resigned from the Board. The Chair with the advice and consent of the Board shall notify the Town Manager so that appropriate action can be taken.

## SECTION IV OFFICERS AND ELECTIONS

- A) **Officers:** The Officers of this Board shall be a Chair, Vice-Chair and Secretary. They shall be elected by its members at the first meeting of the Board in July or as soon thereafter as may be practicable. Newly elected officers shall take office immediately following their election and shall serve for a one-year term of office or until their successors are duly elected.
- B) **Vacancies:** A vacancy of office shall be filled by a special election held at the next regularly scheduled meeting following announcement of the vacancy.

## C) Duties of Officers

### 1. Chair

- a) The Chair may call special meetings of the Planning Board and shall preside at all meetings and conduct those meetings in general accord with *Robert's Rules of Order*. In the absence of the Chair, the Vice-Chair shall preside at the meetings or parts of meetings if the Chair must step aside due to a conflict.
- b) The Chair shall serve as presiding officer and shall preserve decorum and order. The Chair may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal to the Board by a motion. No other business shall be in order until the question on appeal has been decided. The Chair shall call members to order, determine whether a quorum is present, and commence the business of that meeting as stated in the agenda.
- c) The Chair shall create and discharge standing committees and special committees, and may elect to serve as a non-voting, ex-officio member of any or all committees.
- d) The Chair shall also be responsible for, or may delegate, upon appropriate terms and conditions the following:
  1. Preparation of meeting agendas;
  2. Preparation of all correspondence or other communications between the Board and others;
  3. Serve as spokesperson for the Board with the Municipal Officers and Town Manager;
  4. Preparation of the Board's annual budget in consultation with the Town Planner;
  5. Keep account of the Board's annual expenditures and income;
  6. Serve as principal liaison with planning boards in neighboring communities.

### 2. Vice-Chair

- a) The Vice-Chair shall serve as the presiding officer in the absence of the Chair.

### 3. Secretary

- a) The Secretary shall be responsible for the recording of the actions of the Board and subsequent preservation of those records by the Town Clerk.
- b) The board may decide to appoint a non-board member as its recording secretary, provided that individual is employed by the Town of Arundel.

## SECTION V MEETINGS

- A) Regular Meetings:** The regular meetings of the Arundel Planning Board shall be the first and third Tuesday of each month, commencing at 7:00 p.m.
- B) Special Meetings:** Special meetings may be called by the Chair at any time and at such times upon written request of the majority of appointed members.
- C) Site Walks:** Site walks shall be held required by the Planning Board and shall be conducted by an ad hoc committee consisting of a minimum of three (3) Planning Board members. The Site Walk shall be advertised as a meeting and the Site Walk Committee will report their findings and recommendations to the Board at the next regular meeting.
- D) Application for Subdivision and/or Development Plan Review**

- 1. General:** Applications will be placed on the agenda only after the Town Planner has received the application at least fourteen (14) calendar days prior to the meeting and is satisfied that all

procedural requirements have been met by the applicant. Upon showing of good cause, by a majority vote of the Board, this requirement may be waived.

If an application is under active review and has proposed modifications, or revisions during the review process, the revisions to the plans and documentation must be submitted to the Planning Department no less than 7 calendar days prior to the next meeting or the application will not be heard until the following meeting or next upcoming meeting where the board will have an opening to place the item back on the agenda.

2. **Hearings:** No hearing or official action may be taken by the Board in the absence of a quorum. The Board may limit public input during the deliberations phase of an application after the close of a public hearing. Members of the public may provide additional testimony at the consent of the presiding officer.
3. **Executive Sessions:** In accordance with MRSA 1, Chapter 13, Section 405, the Board may only enter into an executive session to discuss personnel matters or pending litigation.

## SECTION VI AGENDA & PUBLIC NOTIFICATION

- A) The Agenda shall be prepared and given to the Town Office for typing, reproduction, mailing or email to Board members no later than three (3) business days prior to any regular or special meeting of the Board.
- B) The Agenda shall be posted at the Arundel Town Office and on the Arundel Town WEB site no less than 72 hours prior to any meeting.
- C) Agendas of scheduled public hearings shall be posted on the Town website, in the Town Hall bulletin board, and published in a newspaper with circulation within the Town of Arundel in accordance with notification requirements dictated by the Arundel Land Use Ordinance, Subdivision Ordinance, and the Maine State Statutes Annotated.
- D) No item may be added to the agenda after its distribution and publication except by unanimous vote of the Board members present.
- E) The presiding officer may adjust an agenda at the meeting, subject only to approval of the Board.

## SECTION VII BOARD PROCEDURE

- A) *Quorum:* A majority of appointed members shall constitute a quorum.
- B) *Outstanding Violations:* The Planning Board shall not consider or act upon any application for a land use activity on a parcel or property that is in violation of the Arundel Land Use Ordinance, Subdivision Ordinance, Street and Road Construction Ordinance, conditions of approval or any other ordinance of the Town of Arundel, until such violation has been corrected .
- C) *Majority Vote:* All action shall be taken by a majority vote at any meeting at which there is a quorum of the Board. A majority vote of the voting members present is necessary to approve any applications before the Board.
- D) *Determination of Completeness:* Before taking action on an application, the Planning Board shall formally review all submissions to determine if the applicant has provided all of the information required by the Land Use Ordinance and the Subdivision Regulations for approval. The Application Submission checklist shall be reviewed by the Board prior to determining an application to be complete.
- E) *Votes on Findings of Fact:* During the establishment of Findings of Fact. the Planning Board shall vote on each individual criterion for approval specified for both Plenary Site Plan and Conditional Use applications as established in the Arundel Land Use Ordinance.

- F) *Procedure:* Except as otherwise stated herein, all action of the Board shall be upon motion duly made and seconded, ROBERTS RULE OF ORDER, as revised, and ROBERTS PARLIAMENTARY LAW, shall apply at all meetings or parts of meetings at which subdivisions and development plans are considered. The minutes of each meeting shall be recorded and written records made available during normal business hours at the Town Offices.

#### **SECTION VIII AMENDMENTS**

These By-laws may be amended at any regular meeting of the Planning Board upon a vote of at least four (4) voting members; provided the exact text of the proposed amendment has been delivered to each member of the Planning Board with the Agenda for the meeting.

#### **SECTION IX SEVERABILITY**

Any portion of these By-Laws found to be contrary to law shall not invalidate other portions.

#### **SECTION X EFFECTIVE DATE**

These By-Laws shall become effective on December 12, 2019.