

HAMPDEN PLANNING BOARD
BY-LAWS

ARTICLE 1 – NAME

This organization shall be known as the Hampden Planning Board.

ARTICLE 2 – PURPOSE

These By-Laws are established by the Hampden Planning Board to aid in the fulfillment of its responsibility under the Maine Constitution, the Statutes of Maine, the Charter of the Town of Hampden and the Municipal Ordinances, all of which have precedence. These By-Laws are intended to insure fair and equitable treatment in all proceedings of the Hampden Planning Board. A copy of these By-Laws is available at the Town office and on the Town of Hampden web site.

ARTICLE 3 – MEMBERSHIP

- A. The Planning Board consists of seven regular members and two alternates appointed by the Town Council for terms of five years each.
- B. All Planning Board members, regular and alternate, shall be expected to attend all meetings.
- C. An alternate member may participate in the Board's proceedings but may vote only when s/he has been designated by the Chairperson to sit in for a regular member. The Chairperson shall so designate when any regular member is absent or when a regular member is unable to act because of conflict of interest or any other satisfactory reason.
- D. The Planning Board may create standing or special committees at any time by majority vote of its members, for the purpose of handling specific tasks as may be necessary for the conduct of business, with the exception that no such committee may be created for the purpose of reviewing or otherwise dealing with an application before the Board under the Subdivision or Zoning Ordinances.

ARTICLE 4 - OFFICERS AND DUTIES

- A. The Board shall elect a Chair and Vice Chair from its members annually at its regularly scheduled meeting in January for a one-year term. The Chair and Vice Chair are eligible for reelection.
 - 1. The Chairperson shall call all meetings of the Planning Board and shall preside at all meetings of the Board.
 - 2. The Chairperson shall call at least eight regular meetings of the Board each year.
 - 3. The Chairperson shall represent the Planning Board and be its official spokesperson in all matters.
 - 4. The Chairperson may appoint committee Chairpersons subject to Board approval.

5. In the event that the Chairperson is unable to attend a called meeting of the Planning Board, the Vice Chair of the Board will act in his/her stead at that meeting.
- B. The staff (planner, administrative assistant) is responsible for maintaining accurate records of the Planning Board meetings, including all official actions, as well as correspondence of the Planning Board. All records shall be maintained in accordance with the Maine State Archives Local Government Record Retention Schedules in the Town Office and may be inspected during municipal business hours. Minutes of all meetings of the Planning Board shall be distributed to the members of the Board and posted on the Town's website after approval.

ARTICLE 5 – MEETINGS

- A. Regular meetings of the Planning Board shall be held on the second Wednesday of the month, and workshop meetings, if needed, shall be held on the third Wednesday of the month.
- B. Special meetings may be called by the Chairperson, provided that 48-hour notice is given to each Planning Board member.
- C. A quorum of the Board necessary to conduct official business shall consist of four members. A concurring vote of a majority of those present and eligible to vote is required in order for the Planning Board to act officially.
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is challenged.
- E. The agenda and materials for regular meetings shall be distributed to all members at least six days prior to the meeting. The body will make all documents and materials to be considered by the body available to the public who attend remotely or in-person, provided no additional costs are incurred by the body.
- F. Members of the Board shall be allowed to participate via remote methods once identified by the Chairperson. Any member of the body who participates remotely will be considered present for purposes of a quorum and voting.
- G. The public will be provided a meaningful opportunity to attend and participate via remote methods for all regular meetings. Remote methods will allow for two-way interaction between the Board and the public. Notice of all meetings will be provided in accordance with Title 1, M.R.S.A., Section 406 and any applicable charter, ordinance, policy, or bylaw.

ARTICLE 6 - RULES OF PROCEDURE

- A. Submission Deadlines.
 1. Applications for projects that do not require a public hearing per Article 7 or other requests are due to the Planning Department 15 days prior to the meeting date.
 2. Applications for projects that require a public hearing but do not require third party peer review are due to the Planning Department 30 days prior to the meeting date.
 3. Applications for projects that require a public hearing and require third party peer review are due to the Planning Department 44 days prior to the meeting date.

4. Whenever the due date falls on a day the Town Office is closed, the due date is automatically shifted to the next date the Town Office is open.
- B. Meetings shall be conducted in accordance with Maine Statutes, including Maine's Freedom of Access – Public Right to Know Law, as outlined in Title 1, M.R.S.A., Sections 401-410, as amended, Town Ordinances, these By-Laws and pertinent parts of the latest revisions of Roberts Rules of Order. However, the Board may also establish special rules for the conduct of any business provided such establishment of rules does not violate state or municipal law or ordinance.
- C. Information regarding applications before the Board shall be presented to the Planning Board either as part of a formal application submitted in accordance with the zoning and/or subdivision ordinances or as verbal or written testimony for a public hearing.

ARTICLE 7 - PUBLIC HEARINGS

All public hearings held by the Planning Board as required by law or ordinances of the Town of Hampden, in addition to meeting special requirements of such law or ordinances, shall comply with the following procedures unless waived by the Planning Board.

- A. Public hearing notice.
 1. Public hearings must be advertised in a local newspaper at least 10 calendar days prior to the date of the hearing.
 2. Notice of public hearings must be mailed to all property owners within 300 feet of the property subject to the application as shown in the Assessor's records.
 3. Town staff is responsible for preparing and distributing such notices, but the applicant is responsible for paying the costs of the newspaper ad and abutter notification. No hearing notice will be published in the newspaper until payment is received.
- B. Under state disposition requirements, only paper, microfilm, or microfiche copies of records are official. However, public hearings may be recorded, and the recording of the hearings may be posted on the Town of Hampden website.
- C. The applicant, or the applicant's representative, shall present opening statements regarding the project, including any plans, reports, testimony, or other evidence.
- D. The Town Planner, followed by other Town staff or other officials may introduce any correspondence, present reports, commentary, and recommendations.
- E. All interested parties and members of the public shall be given an opportunity to offer statements relevant to the project under consideration; however, the Chairperson may limit discussion to new information and pertinent information. The Board may limit testimony to a set time period for each member of the public present and may extend or modify this time period based upon a majority vote of those Board members present and voting.
- F. Any interested party may submit written testimony at or prior to the public hearing.
- G. All information, recordings and materials made part of the public hearing shall be maintained as part of the permanent record of the meeting. Costs of transcriptions of the hearings shall be borne by the party requesting the transcript.

ARTICLE 8 - ADOPTION AND AMENDMENTS

These By-Laws may be adopted and/or amended by a concurring vote of at least 5 members at any regular meeting of the Planning Board, provided the proposed By-Laws or the proposed amendment has been discussed at the previous regular meeting of the Board.