

NORRIDGEWOCK PLANNING BOARD

RULES AND REGULATIONS

ACCEPTED BY THE BOARD OF SELECTMEN 07/11/2002

SECTION I. ESTABLISHMENT

- A. The Planning Board of the Town of Norridgewock is created and constituted under the provisions of Title 30-A, MRSA, Section 3001 and a July 1, 1976 Special Town Meeting by a favorable vote on Warrant Article 3.

SECTION II. NAME

- A. The Planning Board of the Town of Norridgewock shall consist be named identically the Norridgewock Planning Board and The Planning Board of the Town of Norridgewock and will be hereinafter referred to as the Board.

SECTION III. MEMBERSHIP

- A. Membership in the Planning Board shall consist of seven residents of the Town elected by a vote at Town Meeting to serve staggered three-year terms.
- B. Vacancies may occur due to resignation, death, or inability to serve. Vacancies shall be referred to the Board of Selectmen for appointment of a successor for the remainder of the term vacated.

SECTION IV. DUTIES

- A. The Board shall perform such duties and exercise such powers as are provided by municipal ordinance and state statute, including but not limited to:
 - 1. Flood Plain Management Ordinance.
 - 2. Land Subdivisions Ordinance
 - 3. Shoreland Zoning Ordinance
 - 4. Site Plan Review Ordinance
 - 5. Airport Zoning Ordinance
 - 6. Road Ordinance
 - 7. Manufactured Housing Ordinance
- B. To that end, the Board may seek assistance of the Code Enforcement Officer and Special Consultants when so empowered and funded by the application fees or request the same from the Board of Selectmen.
- C. The Board shall submit an annual report to the Town for incorporation into the Town Report.
- D. The Board may recommend to the Board of Selectmen such legislative or administrative actions as it determines are desirable including adoption, amendment, or repeal of municipal plans, policies and ordinances.
- E. The Board shall prepare an annual budget and submit it in a timely manner to the Town Manager and the Board of Selectmen for approval by the voters at the Town Meeting.
- F. The Board may develop new or revise previously enacted Ordinances as state

statutes dictate or need arises and submit to the Board of Selectmen for inclusion in the Town Meeting Warrant.

- G. The Board shall familiarize itself with the Municipal and State plans, policies, regulations, and procedures which affect the Board's activities.
- H. The Board may act in an advisory capacity to other offices of the Municipality on matters of community growth and development.
- I. Duties of the Members, when so directed by the Chairman, shall consist of but not be limited to the following:
 - 1. Act as liaison between a regular administrative body or official committee, commission, board, district, council, department or society of the Town or Board.
 - 2. Sit on a standing or temporary committee of the Planning Board.
 - 3. Attend all meetings of the Board unless properly excused by the Chairman.
 - 4. Promote the activities of the Board to establish effective dialogue with residents of Norridgewock and other communities.
 - 5. Attend other meetings as a representative of the Board.
 - 6. Do fieldwork when so indicated by circumstances regarding a project or activity that comes before the Board or a committee of the Boards site visits, attending educational or informational meetings of State Planning or other agencies.

SECTION V. OFFICERS

- A. Officers shall consist of Chairman, Vice Chairman, and Secretary. At the Board's first meeting after elections of each year, officers shall be nominated by a Board Member and a voice vote or show of hands shall be taken for their election unless a secret ballot is requested by any member. Election shall be by a majority vote.
- B. Duties of Officers
 - 1. Chairman
 - a. The Chairman shall preside at all regular meetings, special meetings and all workshop and executive sessions. Conduct of the meetings shall be consistent with Robert's Rules of Order, except when Robert's Rules of Order are in conflict with these rules and regulations.
 - b. The Chairman may vote on any order of business.
 - c. The Chairman may establish and appoint members to committees of the Board.
 - d. The Chairman may appoint members to act as a liaison between a regular administrative body or official committee, commission, board, district, council, department or society of the Town and the Board.
 - e. The Chairman shall be an ex-officio member of all committees of the Board.
 - f. The Chairman or designated agent shall determine the order of items on the agenda for any regular meeting of the Board. No items shall be in order for action at any meeting unless such items are filed in the office of the Town Clerk on or before 10:00 AM on the Thursday prior to the

regular meeting. An item not on the agenda may be acted on at a regular meeting only with the unanimous approval of the Board.

- g. The Chairman shall prepare meeting agendas and issue same in due time before the scheduled meeting.
 - h. The Chairman or designee shall, with approval by the Board, submit an annual report to the Town for incorporation into the Town Report.
 - i. The Chairman or designee may review all plans, applications, and supporting documents prior to scheduling an item for discussion at a Board meeting. The Chairman shall have the authority to require additional information of an applicant when such is required by a Town Ordinance or the Planning Board's Site Plan Review. The Chairman or designee may make a preliminary determination that an application, plan, etc. is substantially complete prior to submitting the same to the full Board.
 - j. The Chairman may request the assistance of the Code Enforcement Officer to review and research materials for Board meetings.
2. Vice Chairman
- a. The Vice Chairman shall preside at all meetings in the absence of the Chairman.
 - b. The Vice Chairman shall have the same duties and authority as the Chairman in the Chairman's absence.
3. Secretary
- a. The Secretary may act as Chairman in the absence of both the Chairman and Vice Chairman.
 - b. The Secretary shall keep accurate minutes of all meetings.
 - c. The approved minutes for all Board meetings shall be filed in the Town Office.
 - d. An approved copy of the minutes shall be given to the Board of Selectmen.
4. If a majority of Board Members attend a meeting in the absence of the Chairman, Vice Chairman and Secretary, they may elect a chairman pro-tem.

SECTION VI. COMMITTEES

- A. If the Chairman of the Planning Board does not designate a Chairman of committees appointed, the committee may select its own chairman. The committee chairman will report the actions and status of the committee at a time directed by the Board Chairman. All standing committee chairmen will make at least a once a month status report to the Board at their regular meeting.
- B. Suggested Standing Committees:
 - 1. Budget Committee
 - 2. Ordinance Committee
 - 3. Map Committee

SECTION VII. MEETINGS

- A. The Board shall meet once each month at the Municipal Building, the day and

time of the start and finish of each meeting to be established annually at the first meeting of the Board after the Annual Town Meeting. When a regular meeting falls on a holiday or Election Day, the Board, with seven (7) days notice to the public, may select another date for the regular meeting. The date of any regular meeting may be changed by a majority vote of the Board, as long as there still will be a regular meeting in that particular month.

- B The Chairman, or Acting Chairman, may cancel a meeting if the majority of the members are unable to attend.
- C Quorum. A quorum shall be defined as a simple majority of the Board members elected.
- D Special Meetings. A special meeting of the Board may be called by the Chairman or Acting Chairman or majority of the Board with notice to the public.
- E Conflict of Interest. No member shall vote on any matter in which he/she has a conflict as defined in State Statutes. Any question of whether a member shall be disqualified from voting on a particular issue shall be decided by a majority of the Board members present and voting, except the member being challenged. The minutes shall show that the member abstained from voting on an issue.
- F. Regular meetings may follow the following format:
 - 1. Call to order by the Chairman.
 - 2. Salute to the Flag.
 - 3. Minutes of the previous meeting revised and/or accepted.
 - 4. Review of Selectmen's minutes.
 - 5. Correspondence.
 - 6. Reports
 - 7. Unfinished business.
 - 8. New business.
 - 9. Announcements/Discussion
 - 10. Adjourn.
- G. All meetings shall be adjourned by 9:00 PM regardless of whether business is completed. The Chairman may entertain a motion to continue for an additional 30 minutes.

SECTION VIII. RULES OF CONDUCT OF PUBLIC HEARINGS:

- A. Board business shall be conducted in accordance with Maine Statutes, Town Ordinances, Robert's Rules of Order, and the following rules of conduct of meeting:
 - 1. Scope of Rules. These rules govern the practice, procedure and conduct of public hearings held by the Board. These rules shall be liberally construed so as to enable the Board to accomplish its duties and responsibilities in a just, speedy and expeditious manner. Where good cause appears, the Board may permit deviation from these rules insofar as it may find compliance therewith to be impracticable or unnecessary.
 - 2. Notice of Public Hearings. Notice of all public hearings shall be published in a local newspaper, the date of publication to be at least ten (10) days before such hearing, and the notice shall be posted in at least three

prominent places at least seven (7) days before such hearing. The notice shall set forth the subject of the hearing, the time, date and the place of the hearing.

3. Presiding Officer. The presiding officer at all public hearings shall be the Chairman, Vice Chairman, the Secretary, or in their absence, a member of the Board who is selected by those members present at the hearing. The presiding officer shall have the authority to:
 - a. Rule upon issues of evidence
 - b. Regulate the course of the hearing
 - c. Rule upon issues of procedure
 - d. Take such other actions as may be ordered by the Board or that are necessary for the efficient and orderly conduct of the hearing which are consistent with these rules and applicable statutes.
 - e. Administer oaths or affirmations as necessary.
4. General Conduct of the Public Hearing
 - a. Opening Statement. The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedures governing its conduct.
 - b. Record of Testimony. The Board shall make a record of the hearing by an appropriate means. If a sound recording is made, any person shall have the opportunity to listen to the recording at such reasonable times and at such a place as may be designated by the Board.
 - c. Witnesses. Witnesses shall be required to state for the record their name, residence address, business address, business or professional affiliation, the nature of their interest in the hearing, and whom they represent.
 - d. Continuances. All hearings conducted pursuant to these rules may be continued for reasonable cause and reconvened from time to time and from place to place as may be determined by a majority of the Planning Board members present. Continuances may be granted at the request of any person participating in such hearing or if it is determined that a continuance is necessary. This provision shall not be interpreted in such a fashion as to cause unreasonable or needless delay in any hearing.
 - e. Reconvened Meeting. All orders for continuances shall specify the time and place at which such hearing will be reconvened. The Board or the presiding officer shall notify interested persons in such manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing. Notice to the public continuance shall be the same as for the public hearing.
 - f. Regulation of Certain Devices. The placement of television cameras, still cameras, motion picture cameras, microphones

at Board hearings, or other audio-visual device used for the purpose of recording the proceedings thereof, may be regulated by the Chairman or the presiding officer so as to avoid interference with the orderly conduct of the hearing.

5. Evidence

- a. Evidence which is relevant and material to the subject matter of the hearing of a type commonly relied upon by reasonably prudent individuals in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.
- b. Official Notice. The Board may, at any time, take notice of judicially cognizable fact, generally recognized facts of common knowledge to the general public, and physical, technical, or scientific facts within the specialized knowledge of the Board.
- c. Documentary and Real Evidence. All documents, materials, and objects offered as evidence shall, if accepted, be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. The Board or presiding officer may require, after prior oral or written reasonable notice, that any party offering any documentary or photographic evidence shall provide the Board with an appropriate number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size, or character as not to be reasonably susceptible of reproduction. shall be made available during the course of the hearing for public examination and explanation. All such evidence shall also be available for public examination at a place designated by the Board during normal business hours.
- d. Objections. All objections to rulings of the presiding officer regarding evidence or procedure shall be timely made during the course of the hearing. If, after the close of the hearing and during its deliberations, the Board determines that any ruling of the presiding officer was in error, it may reopen the hearing or take such other action as it deems appropriate to correct such error.

6. Testimony, Questions, Rebuttal and Submissions

- a. The applicant shall testify first, and may introduce documentary, photographic, and real evidence, including studies, reports, analyses, and other information theretofore compiled by the staff or consultants for the purpose of the hearing.
- b. The Board members, staff, and consultants may then present their testimony and evidence.

- c. Federal, State, and other governmental agencies and representatives may testify and present evidence at the conclusion of all Board testimony.
- d. Anyone else present may then testify in turn.
- e. Any person intending to participate in the hearing will be given preference in the order of presentation within subparagraph d above by informing the Board before the day of the hearing of the desire to testify.

7. Questioning of Witnesses.

- a. Board members, staff, consultants, and counsel may ask questions of witnesses at any time. At the conclusion of the testimony of each witness, all persons shall have the opportunity to question such witnesses through the presiding officer or directly, as may be determined by the presiding officer. Such questioning shall be conducted in the following order:
 - i. Board members, staff, and consultants.
 - ii. Federal, State, and other governmental representatives beginning in the order of appearance of those giving testimony.
 - iii. All others, beginning in the order of appearance of those giving direct testimony.
 - b. The presiding officer may refuse to permit irrelevant, immaterial or repetitious questions, or other questions which do not advance or serve the purpose of the hearing and shall state the basis for such refusal on the record when requested to do so by the party asking the question.
 - c. The presiding officer may require that such questioning be conducted at the conclusion of the testimony of each category of witness rather than at the conclusion of the testimony of each witness. The presiding officer may impose reasonable limitations on the number of witnesses to be heard and on the nature and length of their testimony and questioning.
8. Rebuttal Testimony. At the conclusion of all direct testimony and questioning of each witness or category of witnesses as determined by the presiding officer, all persons participating in such hearing shall have the opportunity to submit rebuttal testimony in the order provided above. Rebuttal testimony shall be limited to those matters which were the subject of direct testimony, and no new subject matter may be introduced into such a hearing by way of rebuttal.
9. Varying Order of Appearance. When circumstances warrant, the Chairman or presiding officer may vary the order in which testimony is

- given or witnesses questioned.
10. Conclusion of Hearing. At the conclusion of the hearing, no further evidence or testimony will be allowed into the record except as provided in Paragraph 11 below.
 11. Leaving the Record Open. Upon such request made prior to or during the course of the hearing, the presiding officer may permit persons participating in any hearing pursuant to these regulations to file proposed findings, determinations, or other written statements with the Board for inclusion in the record after the conclusion of the hearing within such time and upon such notification to the other participants as the presiding officer may require. This section is in no way to be interpreted so as to prevent the Board members, its staff, or consultants from submitting proposals to the Board at any time.
 12. Reopening of Hearing. At any time prior to final decision, the Board or the Chairman may reopen the record for further proceedings consistent with these rules, provided, however, that the Chairman shall give notice of such further proceedings to the participants and the public in such manner as is deemed appropriate.
 13. Miscellaneous.
 - a. Record. The record of the hearing shall consist of the Planning Board's recording of the hearing, all exhibits, all briefs, proposed findings and rulings thereon, any proposed findings of fact, and conclusions of the presiding officer. Such record shall be reported to the Planning Board for its decision.
 - b. Copies of Record. Any participant may obtain a copy of the record from the Planning Board upon payment to the Town the cost of transcription, reproduction and postage.
 - c. Forms. All motions, petitions, and briefs, and to the extent practicable, written testimony, filed with the Planning Board, except for documents not susceptible of reproduction in the manner herein provided, or for other good cause shown, shall be typewritten or printed on white opaque paper 8 ½" x 11" in size, bound on the left margin. Typed matter shall be double spaced. The first page of each document shall be headed by "THE PLANNING BOARD OF THE TOWN OF NORRIDGEWOCK" and shall have a caption with the title of the hearing, the title of the document, the name of the person or organization submitting the document, and the date upon which document was compiled.

SECTION IX. FILING FEES TO COVER PUBLIC HEARING EXPENSES:

- A. The fees charged for an application under the various review requirements are expected to cover public hearing expenses.

SECTION X. AMENDMENTS TO RULES AND REGULATIONS:

- A. Amendments to the Rules and Regulations may be made at any time by the

vote of the majority of the elected members of the Planning and become effective upon approval by the Board of Selectmen.

SECTION XI. WHEN EFFECTIVE

- A. These Rules and Regulations become effective immediately upon the vote of the majority of the members of the Planning Board and the approval of the Board of Selectmen.

SECTION XII. WAIVERS

- A. Any portion of these Rules and Regulations may be waived on a case-by-case basis by a unanimous vote of the Planning Board members present.