

CHAPTER 202

PLANNING BOARD ORDINANCE

Town of Yarmouth, Maine

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I. PLANNING BOARD

A. ESTABLISHMENT

The Planning Board of the Town of Yarmouth is hereby created and constituted under the provisions of the Charter of the Town of Yarmouth, ARTICLE VIII-A of the Maine Constitution and by Title 30, Chapter 201-A, Section 1917 M.R.S.A., 1964 as they may be amended.

B. APPOINTMENT, TENURE, VACANCY

The Planning Board shall consist of seven (7) regular members appointed by the Town Council. They shall be residents and registered voters of the Town of Yarmouth and shall serve without compensation.

1. Neither a Municipal officer nor a member of the General Board of Appeals may be member of the Planning Board.
2. The term of office of each member shall be three years. The terms of office shall be staggered with the term of three members expiring in one year and the terms of office of two members expiring in each of the other two years.
3. The Board shall annually elect a chair and vice chair, and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.
4. When there is a permanent vacancy, the Town Council shall, within sixty days of its occurrence, appoint a person to serve for the unexpired term.
5. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a resident of the Town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all regular and workshop meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chair of the Board shall immediately so advise the Council in writing. The Board may recommend to the Council that the attendance provision be waived for cause, in which case no vacancy will then exist until the Council disapproves the recommendation.
6. The Town Council may also remove members of the Planning Board by unanimous vote, for cause, after notice and Hearing.

C. MEETINGS

1. The chair shall call meetings of the Board as required and shall call at least one regular meeting of the Board each month. The chair shall also call meetings of the Board when requested to do so by a majority of the members or by the Municipal Officers. Special meetings may be held upon the call of the chair, or in

his/her absence, the vice chair, and at such other times as the Board may determine, provided that at least 24 hours notice is given to each member.

2. A quorum of the Board necessary to conduct an official Board meeting shall consist of at least four members. Four members must vote positively to constitute a valid action of the Board. The chair or the vice chair shall preside at all meetings of the Board. The chair or the vice chair shall be the official spokesperson of the Board.
3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

D. RULES AND REGULATIONS

The Board shall adopt rules and regulations for the transaction of its business.

E. DUTIES

The Planning Board shall:

1. Prepare and adopt, subject to the approval of the Town Council, a Comprehensive Plan for the Town of Yarmouth in accordance with the provisions of 30 M.R.S.A., Section 4961, or acts amendatory or supplementary thereof.
2. Capital Program. The Planning Board, in consultation with the Town Manager and designated member(s) of the Town Council, shall prepare and submit to the Town Council, annually, a five-year capital program at least 120 days prior to the beginning of each budget year. The capital program shall contain such information as the Town Council may, from time to time, designate by order.
3. Give the public ample opportunity to be heard concerning the development of the Comprehensive Plan.
4. Advise the Town Council on proposed changes to the Zoning Ordinance.
5. Review and issue its order with respect to all proposed subdivisions and site plans.
6. The Board shall have forty-five (45) days in which to render a decision.
7. Items to be placed on the agenda must be submitted twenty-eight (28) days prior to the regular meeting.
8. If the Planning Board denies a preliminary or formal plan or application, the Planning Board may refuse to receive and consider a re-submittal or second appeal of the same or substantially the same application or plan or application for a period of six (6) months from the date of the denial. Provided, however, that if

in the opinion of the Chair of the Planning Board, substantial new evidence will be brought forward or that an error or mistake in law or misunderstanding of facts has occurred, or that the applicant has made material changes to the application or plan addressing issues that were salient in the basis for denial in the immediately previous application, the Planning Board shall not refuse to receive and consider such re-submitted or second appeal application or plan.

9. Approve the naming of all streets in proposed subdivisions.
10. Investigate and report on any problems referred to it in writing by the Town Council or by the Town Manager.
11. Make studies on any area of Town development as it may deem necessary.
12. Make recommendations to the Town Council concerning any projected Capital Improvement Programs.
13. Perform such duties and services necessary to its proper function within the limits of the appropriation made for the purpose.
14. Submit a status report of the Planning Board quarterly, at a regular meeting of the Town Council.
15. Make and enter into such contracts subject to the approval of the Town Council as it may deem advisable to carry out the objectives and purposes of the Board, and shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the Town, and may obtain goods and services necessary for its proper function within the limits of its budget as approved by the Town Council or as otherwise supplemented by the Town Council.

F. INTERRELATION OF TOWN COUNCIL AND PLANNING BOARD

The Board shall be an advisory body of the Town Council and the existing zoning, site plan, and subdivision ordinances shall not be revised or amended until the Board has made a careful investigation of all proposed revisions or amendments in conjunction with the Town's comprehensive plan. When the Council directs the Planning Board in writing to study and report back on proposed revisions or amendments to ordinances, the Board shall make its official report to the Town Council within sixty (60) days unless a longer period of time has been granted by the Council.

G. ASSISTANCE OF MUNICIPAL STAFF

The Director of Planning and Development with the assistance of the Building Inspector and Town Engineer for the Town of Yarmouth shall provide such technical, administrative and clerical assistance as required by the Planning Board.

H. APPEAL

An appeal from a decision of the Planning Board shall be taken directly to Superior Court, pursuant to the provisions of the Maine Rules of Civil Procedure.