

BY LAWS  
OF THE  
PLANNING BOARD  
OF THE  
TOWN OF HERMON, MAINE

INCLUDES AMENDMENTS TO 7/10/91  
INCLUDES AMENDMENTS OF 07/18/96  
INCLUDES AMENDMENTS OF 07/17/97  
INCLUDES AMENDMENTS OF 11/07/98  
INCLUDES AMENDMENTS OF 12/15/99  
INCLUDES AMENDMENTS OF 2/6/02

## **ARTICLE 1 GENERAL**

### **SECTION 1.1 AUTHORITY**

1.1.1 These bylaws shall be known and may be cited as "Bylaws of the Planning Board of the Town of Hermon, Maine".

### **SECTION 1.2 PURPOSE**

1.2.1 The purpose of these bylaws are:

1.2.1.1. To provide the Board with a clear and specific legal foundation to clarify its policies, objectives and methods.

1.2.1.2. To provide a record for Board members to use in keeping their activities consistent and legal.

1.2.1.3. To provide a record for the Board to inform the townspeople how the Board operates.

### **SECTION 1.3 EFFECTIVE DATE**

1.3.1 These bylaws shall be in effect immediately upon their adoption by the Town of Hermon Planning Board.

1.3.2 The effective date of these bylaws is June 20, 1974.

### **SECTION 1.4 ADOPTION AND AMENDMENTS**

1.4.1 These bylaws shall be adopted by the Planning Board and may be amended, supplemented or expanded by the Planning Board by the following procedure.

1.4.1.1 The Board shall present the proposed bylaws and/or proposed change or amendment to the Municipal Officers at least thirty days before the Board meeting at which said bylaws or amendment thereto shall be considered for final adoption.

1.4.1.2 The Municipal Officers shall investigate the bylaws or amendment thereto to such extent deemed appropriate and submit their general opinion for consideration by the Planning Board.

1.4.1.3 These bylaws may be adopted, or changes and/or amendment may be adopted, by a majority vote of the Board at two separate meetings approximately thirty days apart.

### **SECTION 1.5 JURISDICTION**

1.5.1 The provisions of these bylaws pertain only to the Town of Hermon Planning Board.

1.5.2 The provisions of these bylaws shall not be construed to abrogate or annul the provisions of other ordinances or regulations in effect in the Town of Hermon.

1.5.3 The provisions of these bylaws represent a third level of procedural rules. The first level of rules shall be the State of Maine Constitution and Maine Revised Statutes Annotated. The second level of rules shall be the Town of Hermon, Maine Charter, Ordinances and Regulations. These bylaws are not intended to conflict with either of the first two levels of rules.

### **SECTION 1.6 SEVERABILITY**

1.6.1 The invalidity of any section or provision of these bylaws shall not be held to invalidate any other section or provision of these bylaws.

### **SECTION 1.7 WAIVER OF RULES**

1.7.1 In the case of extenuating circumstances, the Planning Board may waive any provision of these bylaws by a unanimous vote.

### **SECTION 1.8 PUBLIC RECORD**

1.8.1 These bylaws shall be filed at the Town of Hermon Municipal office building and shall be a public record.

## **ARTICLE 2 THE PLANNING BOARD**

### **SECTION 2.1 APPOINTMENTS**

2.1.1 The Municipal Officers shall appoint all members and associate members of the Planning Board.

2.1.2 All newly appointed members and associate members of the Board shall be sworn into office by the Town Clerk, Notary Public or a Justice of Peace.

### **SECTION 2.2 MEMBERSHIP**

2.2.1 The Board shall consist of five regular members and two associate members. (Amended 2/6/02)

2.2.2 The term of office of a member shall be five years. Initial appointments shall be made for 1,2,3,4, and 5 years respectively.

2.2.3 The term of office of an associate member shall be one year.

2.2.4 Members and associate members shall be at least 18 years of age, shall be qualified voters of the Town of Hermon, and shall be legal residents of the Town of Hermon during their term of office.

2.2.5 A Municipal officer shall not serve as a member or associate member.

2.2.6 When a member is unable to act because of interest, physical incapacity, absence, or any other reason satisfactory to the Chairman, the Chairman shall designate an associate member to act in his stead. When there is a permanent vacancy, the Municipal Officers shall appoint a person to serve the unexpired term.

2.2.7 All members with an unexcused absence for four (4) consecutive, regularly scheduled meetings shall be asked by the Chairman to resign from the Planning Board.

### **SECTION 2.3 COMPENSATION**

2.3.1 Compensation of the members and associate members shall be established by the Municipal Officers.

### **SECTION 2.4 CHAIRMAN AND VICE-CHAIRMAN**

2.4.1 The Board shall elect annually by a majority vote, one of its members as Chairman and another member to serve as Vice-Chairman for a one-year term.

2.4.2 The annual election of the Chairman and Vice-Chairman shall be held during a meeting in July, following the annual Town Meeting.

2.4.3 The term of office of the Chairman and Vice-Chairman shall commence on the next regular meeting.

2.4.4 In the temporary absence or disability of the Chairman and Vice-Chairman, the Board shall elect by a majority vote a Chairman protempore from among its members. The Chairman protempore shall exercise the powers of Chairman during the absence or disability of the Chairman and Vice-Chairman.

### **SECTION 2.5 SECRETARY**

2.5.1 The Board shall appoint annually by a majority vote a secretary for a one year term.

2.5.2 The annual appointment of the secretary shall be held during a meeting in July, following the annual Town Meeting.

2.5.3 The term of office of secretary shall commence on the next regular meeting.

2.5.4 In the temporary absence or disability of the secretary, the Board shall elect by a majority vote a secretary protempore. The secretary protempore shall exercise the powers of secretary during the absence or disability of the secretary.

### **SECTION 2.6 RESPONSIBILITIES OF PLANNING BOARD**

2.6.1 Basically Town planning involves the relationship of man to land. Therefore, the main responsibility of the Planning Board is to make an effort to allow the land to provide maximum satisfaction to the present citizens and still provide a decent heritage to future citizens.

2.6.2 In order to fulfill its main responsibility, the Board must provide the Town with certain tools and constantly maintain them. These tools are more specifically called "planning ordinances."

2.6.3 The first planning ordinance the Board must provide and maintain is the Comprehensive Plan. The Comprehensive Plan contains the recommendations for the development of the Town. The Board shall prepare, and recommend adoption or amendments to the Comprehensive Plan to the Hermon Town Council.

2.6.4 Other ordinances the Board must provide and maintain are listed as follows:

1. Zoning Regulations
2. Subdivision Regulations
3. Mobile Home Ordinance
4. Building Code
5. Housing Code
6. Sanitary Codes
7. Shoreland Zoning Ordinance
8. Floodplain Management Ordinance

The list is an example of regulations the Board is responsible for and shall not limit the Board's responsibility only to those specific regulations.

## **SECTION 2.7 RESPONSIBILITIES OF MEMBERSHIP**

2.7.1 The Chairman shall be the official spokesman of the Board and shall preside at all meetings.

2.7.2 The secretary shall be responsible for maintaining a permanent record of all Board meetings and correspondence. All records prepared and maintained by the secretary are deemed public. These records shall be filed in the Town Clerk's office and shall be available for inspection at reasonable times.

2.7.3 A member is expected to attend all Board meetings and participate in its proceedings.

2.7.4 An associate member is expected to attend all Board meetings and participate in its proceedings. An associate member may vote only when designated by the Chairman to act for a member.

2.7.5 A member or associate member may be dismissed by the Municipal Officers before expiration of his term.

2.7.6 A member or associate member shall forfeit his office upon conviction of a felony or crimes of moral turpitude, or if he lacks any of the prescribed qualifications.

2.7.7 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.

## **SECTION 2.8 VACANCIES**

2.8.1 The office of a member or associate member shall become vacant upon his death, resignation, forfeiture or dismissal.

## **ARTICLE 3 PLANNING BOARD MEETINGS**

**SECTION 3.2 TIME OF MEETING**

3.1.1 Regular meetings shall be held on the third Tuesday of each month in the evening at the Municipal Building unless otherwise designated.

3.1.2 Special meetings shall be called by the Chairman only. Notice of at least seventy-two hours prior to the time set for a special meeting shall be given each member and associate member.

3.1.3 The date of any regular meeting may be changed by a unanimous vote of the Board at the previous meeting provided that the change in date allows for one regular meeting in each month.

3.1.4 Cancellation and/or postponement of meetings shall be the responsibility of the Chairman.

**SECTION 3.2 CONDUCT OF MEETING**

3.2.1 All meetings shall be open to the public except for executive sessions.

3.2.2 A quorum shall consist of four members or associate members for the transaction of all official business.

3.2.3 All decisions with the exception of final decisions on the comprehensive plan, shall be decided by a majority vote of those present after motion has been duly made and seconded. The secretary shall record all motions and the vote thereon.

3.2.4 Final decisions on the Comprehensive Plan must be voted upon by the entire membership.

3.2.5 An agenda for each month shall be prepared by the Chairman. The order of business shall be substantially as follows:

1. Reading of the minutes of the preceding meeting unless waived.
2. Public Hearing (if any)
3. Unfinished business
4. New business

3.2.6 Every decision of determination of the Board shall be filed as a part of the minutes of the meeting.

3.2.7 No determination of the Board shall be made except in a duly called regular or special meeting.

3.2.8 Any decision may be reconsidered by the Board upon request of a party to the decision (i.e. Board member, applicant or other affected party). A vote to reconsider and the action taken on that reconsideration requires an affirmative majority of the Planning Board and must occur and be completed within 21 days of the date of the original decision. The Board may conduct additional hearings and receive additional evidence and testimony as provided in section 3. of these By-Laws.

**SECTION 3.3 PUBLIC HEARINGS**

3.3.1 The Board shall hold a public hearing whenever it deems necessary.

3.3.2 Public hearings shall be advertised in a newspaper of general local circulation at least seven days prior to and not more than fourteen days prior to the date of said hearing. The cost of advertising for public hearings shall be paid by the applicant involved with such hearing. (Amended 7/10/91)

3.3.3 The advertisement of the hearing shall state the general nature and location of the question involved.

3.3.4 Any person may appear in person or by agent at the hearing.

3.3.5 The applicant involved with the hearing shall appear in person or agent at the hearing.

3.3.6 Orderly procedure shall be maintained. The Board Chairman shall preside and all persons shall abide by the order of the Chairman.

3.3.7 The order of business at the hearing shall be substantially as follows:

1. The Chairman or Secretary shall give a statement of the question.
2. Arguments in support of the question shall be heard.
3. Arguments opposed to the question shall be heard.
4. At the discretion of the Chairman, rebuttal and cross-examination may be allowed.

In order to maintain orderly procedure, each side of the argument shall proceed without interruption by the other.

3.3.8 Postponement of a public hearing shall be the responsibility of the Chairman only. Postponement of a hearing shall be done only in case of an emergency.



**ORDER**

**BY ORDER** of the Municipal Officers of the Town of Hermon at a Public Meeting convened:

It is hereby ordered that the Planning Board Bylaws will be amended as follows:

SECTION 3.2 TIME OF MEETING

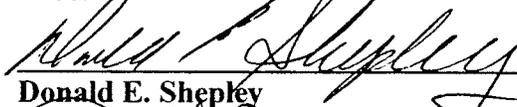
3.1.1 Regular meetings shall be held on the third ~~Thursday~~ Tuesday of each month in the evening at the Municipal Building unless otherwise designated.

**SIGNED** this 15th day of December, 1999 by the Town Council:



Anthony Smen, Chair

Peggy Elmer, Vice-Chair



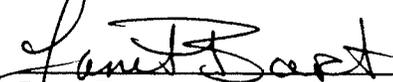
Donald E. Shepley



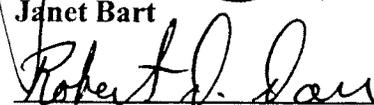
Robert J. Duran



Anne S. Freeman



Janet Bart



Robert D. Dorr

Attest a true copy:

 12/15/99

Town Clerk/Date

**Amendment to By Laws of the Planning Board of the Town of Hermon,  
to Section 2.2.1 to read**

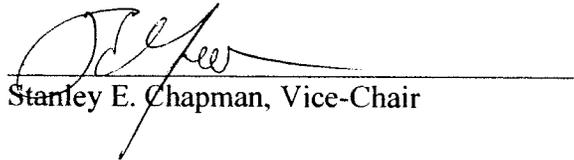
**2.2.1 The Board shall consist of five regular members and two associate members.**

**adopted at a Public Hearing on February 20, 2002.**

**SIGNED THIS 20<sup>th</sup> day of February 2002, BY THE MUNICIPAL OFFICERS:**



Louis F. LaChance, Chair



Stanley E. Chapman, Vice-Chair

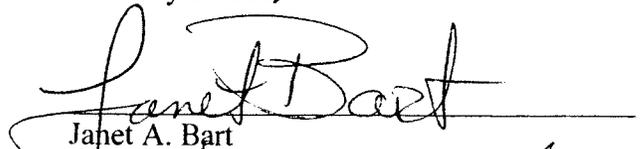
Brooke Green



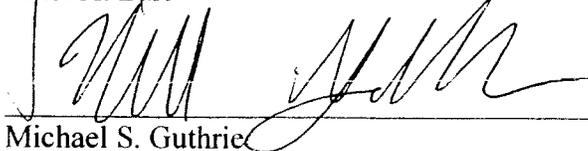
Meredith Young



Anthony D. Smer



Janet A. Bart



Michael S. Guthrie

Attest Original/True copy

