

# Bylaws of the Planning Board of Bradley, Maine

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## **Section 1. Purpose and Scope`**

The purpose of these bylaws is to establish reasonable rules of procedure for the Bradley Planning Board (hereinafter called the Board) meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

## **Section 2. Membership of the Board**

The membership of the Board shall consist of five (5) regular members and two (2) alternate (or associate) members. All members are appointed and may be removed for cause by the Town Council. Three unexcused consecutive absences can be cause for removal. The terms "members" and "Board" shall include alternates unless otherwise stipulated.

## **Section 3. Officers; Duties**

Officers of the Board shall consist of a Chairperson and Vice Chairperson (hereinafter referred to as "Chair" and "Vice Chair") to be chosen annually at the first regular meeting in each calendar year by and from the regular Board members. The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs. The Chair also shall, together with the Code Enforcement Officer, set the agenda for each meeting. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

#### **Section 4. Meetings**

Regular meetings of the Board shall be held monthly on a date chosen by the Board at the previous meeting and shall be called to order by 6:30 PM. This date and time may be changed by necessity and the members notified by the most expedient method (normally, phone or email) and by being posted on the Town's bulletin board.

Special meetings may be called at the discretion of the Chairman or upon the request of three or more members of the Board within ten (10) days of the receipt of a written or e-mail request, which request shall specify the matters to be considered. Notice thereof with date and time shall be given to each member and to representatives of the press at least ninety six (96) hours (four days) in advance of the meeting and no business may be conducted other than as specified in said notice.

Notice of all Board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.

Meetings shall adjourn by 9 PM, but may be extended in emergencies by a majority vote of a quorum.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum of the Board being present. A quorum consists of, at a minimum, a total of three (3) regular and alternate members. If a quorum does not exist, those members present shall be entitled to request the chair to call a special meeting or reschedule the regular meeting for a subsequent date. The order of business at regular meetings shall be as follows:

1. Flag Salute.
2. Roll call and determination of a quorum.
3. Minutes of the previous meeting and communications.
4. Citizen's Requests.
5. Old (unfinished) business.
6. New business.
7. Other business.
8. Set next meeting & Adjournment.

## **Section 5. Hearings**

Public hearings of the Board shall be called as required by law or on such other occasions, as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chair shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chair and without interruption, provided, however, that the Chair may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided however, that the Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

## **Section 6. Participation and Voting**

Any action of the Board shall require the affirmative vote of a majority of those members present and voting unless otherwise provided by law.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members. If a member has a conflict of interest, that member shall not be counted by the board in establishing the quorum for the matter in which he or she has a conflict.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon. However, where such a member has familiarized him/herself with the matter by reading the record, studying plans or other information and listening to or watching any audio or video recording of the meeting(s) from which the member was absent and represents on the record that he or she has done so, that member shall be qualified to vote on that matter.

Alternate members may not participate or vote in any matter except as provided herein. If a regular member is absent or disqualified, the Chair shall designate an alternate member to serve and to vote in the place of the regular member. Once an associate member serves in the place of a regular member on a particular application or matter, the associate member shall continue to hear and act on that matter until the Board action is completed. If more than one regular member is absent, the Chair shall designate which of those members the alternate is replacing. The alternates are expected to attend all meetings of the Board, the same as regular members. The Chair may grant "voice" to alternates not seated.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause shown.

### **Section 7. Decisions**

Decisions of the Board shall be made within forty five (45) days of the hearing of a completed application, including a public hearing. A decision may be to approve, approve with stipulations, request additional information (application not complete), or disapprove. Extension of this time limit may be made with the approval of all parties involved. All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefor. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

If required, notice of any decision shall be given as prescribed by law.

The Board may reconsider any decision at the same meeting or at a subsequent meeting within 30 days of its original decision, provided, however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

Reconsideration should be for one of the following reasons:

- The record contains factual errors due to fraud or mistake regarding facts upon which the Board's decision was based; or
- The Board misinterpreted the Ordinance, followed improper procedures, or acted beyond its jurisdiction.

**Section 8. Conflict with Laws**

Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

**Section 9. Waivers; Amendments**

These bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law.

These bylaws may be amended at any time in writing by majority vote of the Board after approval by the Town Council on the proposed amendment.

Adopted by the Board on April 29, 2015.  
Date

Linda M. Hurdley Ch. Janet L. Orickett  
W. F. Souther W. F. Souther  
Sharon Dill \_\_\_\_\_