

CITY OF ROCKLAND, MAINE 04841

PLANNING BOARD BY-LAWS

ARTICLE I

Objectives

The objectives and purpose of the Planning Board of the City of Rockland, Maine, are those set forth in the Rockland City Charter, those powers and duties delegated to the Planning Board by the City Council in Chapter 19 of the Rockland City Ordinances, and those objectives and powers set forth in the Revised Maine Statutes.

ARTICLE II

Officers and Their Duties

SECTION 1

The officers of the Planning Board shall consist of a Chair and a Vice-Chair.

SECTION 2

The Chair shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage.

SECTION 3

The Vice-Chair shall act for the Chair in his/her absence.

ARTICLE III

Election of Officers

SECTION 1

Officers shall be nominated from the floor and elected at the annual organizational meeting, which shall be held on the third Tuesday of January each year.

SECTION 2

A candidate receiving a majority vote of the Planning Board shall be declared elected and shall serve for one year or until his/her successor shall take office.

SECTION 3

Vacancies in offices shall be filled at the first possible regular meeting after the occurrence of the vacancy in the manner described in the previous sections of this article.

ARTICLE IV

Meetings

SECTION 1

Meetings will be held on the first and third Tuesdays of each month. The Board may elect to change meeting dates, times and locations. Appropriate public notice will be made for all meetings.

SECTION 2

Three members of the Board shall constitute a quorum. The number of votes necessary to transact business shall be three. Voting shall be by roll call where requested by any member except on unanimous votes. A record of the roll call vote shall be kept as a part of the minutes.

SECTION 3

Special meetings may be called by the Chair. It shall also be the duty of the Chair to call such a meeting when requested to do so in writing by three members of the Board. The notice of such a meeting shall specify the purposes for which it is called and no other business may be considered except by unanimous consent if all Board members are present. The Staff Secretary shall notify all members of the Board not less than three (3) days in advance of such special meeting.

SECTION 4

In the interest of being able to complete meetings within a reasonable timeframe, and in consideration of the applicants' time and resources, meeting agendas will be limited to three applications of average complexity. The Chair, in conjunction with the Code Enforcement Officer, may elect to allow exception to this policy.

Reviews will be scheduled on a "first come, first served" basis. Applications which are ready for the first meeting of the month, but which cannot be scheduled, will be placed on the next available agenda.

At its discretion, the Planning Board may limit the length of individual public comment. Comments must be relevant to the objectives and purpose of the Planning Board.

ARTICLE V

Order of Business

- a. Call to Order
- b. Previous Meeting Minutes
- c. Public Comment
- d. Communications
- e. Old Business
- f. New Business
- g. Other
- h. Adjournment

The normal order of business may be altered by majority vote of the Board.

ARTICLE VI

Public Comment

SECTION 1

Oral Public Comment accepted by the Board pursuant to Article V, paragraph c, may relate to pending applications to be heard at that meeting, or to planning issues not directly related to any pending application. Members of the public wishing to comment on pending applications not scheduled to be heard at the meeting shall be asked instead to return to speak at the appropriate meeting, and/or to submit their comments in writing to the Code Enforcement Officer for distribution in conformance with Section 2.

SECTION 2

Written Public Comment about a pending application shall be submitted to the Code Enforcement Officer no later than noon on the Friday preceding the meeting at which the application is to be heard, and shall be included in the Board members' relevant packets and provided to the applicant's representative. Written Public Comment about a pending application received by the Code Enforcement Office between noon on the preceding Friday and the scheduled meeting shall be submitted to the Board at the meeting and provided to the applicant and, at the discretion of the Chair, may be read at the meeting. Written Public Comment that is not about a pending application shall be distributed to Board members in a manner to be determined by the Code Enforcement Officer in consultation with the Chair.

ARTICLE VII

Public Hearings

SECTION 1

In addition to those required by law, the Board may, at its discretion, hold public hearings when it determines that such hearings are in the public interest.

SECTION 2

Notice of such hearing shall be advertised in a newspaper of general circulation in the municipality at least seven (7) days before the time of the public hearing.

SECTION 3

A matter before the Board shall be presented in summary by the Presiding Officer or a designated member of the Board and parties in interest may also be heard.

SECTION 4

Public Hearing shall follow the rules set forth by the Maine State Planning Office in "Handbook for Municipal Boards of Appeals," by Jim McCobb and Rich Rothe, September 1978.

SECTION 5

A record shall be kept of those speaking before the Board.

ARTICLE VIII

Parliamentary Authority

SECTION 1

All procedural questions and rules of order not resolved by formal articles herein shall be determined by conventional rules of Parliamentary Procedure such as those of Roberts Rules of Order.

SECTION 2

No motion need be seconded.

ARTICLE IX

Amendments

These by-laws may be amended by a majority vote of the membership of the Planning Board present.

PLANNING BOARD POLICIES

POLICY STATEMENT I

DISTRIBUTION OF PLANNING BOARD CORRESPONDENCE

Copies of all the Planning Board agendas shall be distributed via email or hard copy on a regular basis to:

The City Manager
The Mayor and Members of the City Council
The Chairman and Members of the Planning Board
The Chairman of the Zoning Board of Appeals (if relevant)
The City Attorney
The City Engineer
The Code Enforcement Officer
The City Clerk
City Department Heads
The Recording Secretary

POLICY STATEMENT II

SUBMITTAL DEADLINES

The Planning Board of the City of Rockland shall consider for review only those site plan and subdivision applications that are submitted through the Code Enforcement Office in accordance with the following:

1. Application deadline for submittal shall be twenty-one (21) days prior to the first meeting of the next month.
2. Submittal deadline for all materials required by Ordinance shall be fourteen (14) days prior to the first meeting of the next month.
3. Submittal deadline for any additional information shall be six (6) days prior to the next regularly scheduled meeting.

POLICY STATEMENT III

REVIEW OF PLANS BY DEPARTMENT HEADS

Any person or corporate entity that makes application to the Planning Board for review of a Site Plan or a Subdivision Plan will be given a Department Head Sign-Off Sheet. The applicant will be responsible for meeting with each of the department heads, with his/her plans, and obtaining the appropriate signatures.

POLICY STATEMENT IV

REVIEW OF SITE PLANS AND SUBDIVISION PLANS

The Planning Board will accept an application for review of only one "plan" or "set of plans" for Site Plan Review or Subdivision Review, on any given site, plot or plat of land, at any time. Should any owner/developer wish to change his/her submission in any substantial manner, i.e. Site Plan to Subdivision or vice versa, the number or type of units, the number or size of lots, etc., then all previous submissions must be withdrawn and a new application made. Any change suggested by the Board to the "plan" under current consideration shall not constitute a different plan.

POLICY STATEMENT V

REGARDING THE CITY ATTORNEY

The Planning Board moved (5-0) to adopt a policy to request the attendance of the City Attorney at Planning Commission meetings only when requested by the Chair or a majority of the members of the Planning Board.

POLICY ON NOTICE TO ABUTTERS

Once an application has been submitted and placed on the agenda by the Planning Board, a notice shall be sent to all abutting property owners, including owners of properties located directly across streets, streams or similar barriers from the subject property.

This notice shall include:

1. Name of property owner and applicant;
2. The location of the proposed development;
3. A brief description of the project;
4. The date, time and place of the Planning Board meeting at which this application will be presented to the Board;
5. A brief description of the procedure that should be followed by the Board; and
6. A statement that comments by the public will be welcomed by the Board.
7. It shall be the duty of the Planning Board Staff Secretary to mail the abutters' notices seven (7) days prior to the next regularly scheduled meeting, in accordance with applicable state and local laws regarding public notice.

NOTICE TO ABUTTERS OF THE APPLICATION FOR SITE PLAN REVIEW

DATE: _____

Dear Property Owner:

This is to inform you that an application for Site Plan review (Chapter 16, Article II, RCO) has been submitted to the Rockland Code Enforcement Office by

_____ / _____ for property in
(Applicant) (Owner)
your neighborhood located at _____
(Street Address)
_____. The proposed development is a(n) _____
(Tax Map #)

square foot building/addition to be used for _____
(Use)

On _____, at _____ AM/PM, at _____
(Date) (Time) (Location)

, this application will be presented to the Rockland Planning Commission. At this meeting, the Commission will review the application for completeness. If the application is found to be complete, the Commission may begin to determine if the proposal meets the Standards of our Ordinance, Section 16-204. The Commission may also decide to schedule a Public Hearing and a site visit.

Your written or oral comments are welcomed.