

ARTICLE 5: PLANNING BOARD

SECTION 5.01 PLANNING BOARD ESTABLISHED

There is hereby created the Bath Planning Board.

SECTION 5.02 COMPOSITION

After the effective date of this Code, the Planning Board will consist of 7 members. Those persons who are members and associate members as of the date of adoption of this Code will continue as members of the Planning Board until their terms of office expire and they have been reappointed or replaced.

SECTION 5.03 APPOINTMENTS

The members of the Planning Board are appointed by the City Council.

SECTION 5.04 QUALIFICATIONS

All members of the Planning Board must be residents of the City of Bath and must be registered voters. A City Council member, a ZBA member, or the spouse of a City Council member or Planning Board member may not be a member of the Planning Board.

SECTION 5.05 TERMS OF OFFICE

Members of the Planning Board serve staggered 3-year terms. If a vacancy occurs, the term of the person appointed to fill the vacancy is for the period of the unexpired term. The terms of members expire on September 1 unless a replacement has not been appointed, in which case the term of the expiring member is extended until a replacement is named.

SECTION 5.06 DISMISSAL OF MEMBERS

A member of the Planning Board may be dismissed for cause by the City Council. When considering removal, the member must be notified of the cause and the time and place of the City Council meeting at least 7 days prior to the meeting at which the removal is to be considered. At that meeting, the member has the right to be heard concerning the removal. Any member who does not attend 50 percent of the Planning Board meetings in any 6-month period, unless otherwise excused by the Chair of the Planning Board, may be removed by the City Council without notice.

SECTION 5.07 OFFICERS

- A. The Planning Board must elect annually a Chair, a Vice Chair, and other officers as it chooses from its membership. These officers are elected by the Planning Board during its first meeting in September, provided the City Council has made its new appointments by that date. The term of office for officers is 1 year; officers may succeed themselves if so elected.
- B. The Chair is responsible for calling meetings of the Planning Board, working with the Planning Director to establish agendas for the meetings, presiding at meetings, and representing the Planning Board before the City Council or other groups.
- C. The Vice Chair is responsible for carrying out the duties of the Chair in his/her absence or incapacity.

SECTION 5.08 MEETINGS OF THE BOARD

The Planning Board meets monthly on the first Tuesday of the month. The Chair may schedule other meetings as necessary. The Chair must call a meeting of the Planning Board within 7 days upon the written request of any 3 members of the Planning Board.

All meetings of the Planning Board must be announced to the public at least 72 hours prior to the start of the meeting by either posting, advertising, or mailing notices. All meetings are open to the public and will be conducted in accordance with such rules of procedure as the Planning Board may determine, as well as applicable state and local laws. A notice of the Planning Board agenda must be published in a newspaper with local circulation at least 72 hours prior to any meeting. All meetings of the Planning Board are open to the public, except that the Planning Board may go into executive session to meet with its attorney.

SECTION 5.09 QUORUM, VOTING, AND RULES OF PROCEDURE

A quorum consists of 4 members of the Planning Board. No business may be conducted without a quorum; however, fewer than a quorum may decide to postpone the meeting to another date.

On any and all voting matters pertaining to recommended adoption of or amendments to the Comprehensive Plan or to proposed adoption of or amendment to the Land Use Code, an affirmative vote of a majority of all members of the Planning Board (i.e., 4 votes) is necessary for its passage, and only after a public hearing has been conducted on the matter. All other voting matters are decided by a majority vote of those present and voting, and require at least 3 affirmative votes.

The Planning Board has the authority to establish any rules and procedures as necessary for its efficient operation.

SECTION 5.10 CONFLICT OF INTEREST

A member of the Planning Board may not vote or participate in any matter in which he/she has a direct or indirect financial or personal interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon must be decided by a majority vote of the members, except the member who is being challenged. A member of the Planning Board may not represent any third party in matters coming before the Planning Board.

SECTION 5.11 POWERS AND DUTIES

The Planning Board has the following powers and duties:

- A. To advise the City Council on matters relating to land use and development within the City.
- B. To prepare a Comprehensive Plan and periodic revisions for the growth and development of the City, and to submit them to the City Council with the Planning Board's recommendation.
- C. To advise the City Council on matters relating to land-use regulations and to review or initiate requests for changes in the Land Use Code.
- D. To approve plans for the subdivision of land in accordance with the Subdivision Ordinance and 30-A M.R.S.A. Section 4401, et seq.
- E. To act on requests for Site Plan Approval in accordance with Article 12 of this Code.
- F. To act on requests for Historic District Approval in accordance with Section 8.11 of this Code.
- G. To act on requests for Mineral Extraction Operations Permits in accordance with the Mining Activity Ordinance, Article 14.
- H. To prepare a report to the City Council on development trends in the City. This report should be submitted to the City Council on or before April 1 in odd-numbered years.
- I. To handle other matters that may be referred to the Planning Board by the CEO, the City Council, or the City's staff.

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