

BY-LAWS
TOPSHAM PLANNING BOARD
(Established 1956, Art. #5 Town Meeting)
7 members appointed by the Selectmen – Revised 2/6/90 4/6/04
7/10/90
8/8/00
1/20/04

SECTION I – PURPOSES: The Purposes of the Topsham Planning Board are:

1. To carry forward a continuing land use planning program.
2. To review and pass upon applications for subdivisions and site plan approval submitted pursuant to the applicable Ordinances of the Town of Topsham.

SECTION II – PLANNING: The Planning Program shall include, but not be limited to:

- A.
 1. Inventory of assets, resources and needs.
 2. Analysis of those aspects having an impact on Town development.
 3. Recommendations:
 - a. Feasible steps in achievement of long-term best use of available resources.
- B. Assign priorities to recommendations and thus identify the short-term plan (approximately 5 years)
- C. Recommend to the Selectmen an Action Program (1 year).
- D. Work with neighboring communities on matters of mutual concern.
- E. Participate in the Capital Improvements Planning process.

SECTION III – ADMINISTRATIVE DUTIES;

- A. Review the Comprehensive Plan
 1. Recommend Land-Use Guidelines for the municipality in the following areas:
 - a. Subdivision Regulation
 - b. Zoning Ordinance
 - c. Zoning Observations
 - d. Shoreland Zoning
- B. Administer planning activities through:
 1. Effective ordinances and regulation guiding growth.
 2. Capital projects lists.
 3. Cooperation and coordination with other officials and boards.
- C. Decide on plan policy direction.

- D. Review all request for subdivision and site plan review approval and issue orders denying or granting approval of the proposed subdivision and site plan reviews or grant approval upon such terms and conditions as deemed appropriate to satisfy established approval criteria. In the furtherance off this responsibility, the Planning Board may adopt reasonable regulations governing subdivisions which shall be in addition to the requirements of the Topsham Subdivision and Site Plan Review Ordinances.

SECTION IV – MEMBERSHIP;

- A. Membership be established by applicable sections of the Topsham Town Code.

SECTION V – OFFICERS_

- A. Officers: The officers of the Board shall be Chairman and Vice Chairman. They shall be elected from the body of regular members.
- B. Elections of Officers:
 - 1. Elections shall be by ballot. A majority vote shall be necessary to elect.
 - 2. The election of all officers shall be held in June of each year.
 - 3. The new officers shall take office immediately after their election.
- C. Vacancies: A vacancy of office shall be filled by special held at the meeting Following announcement of vacancy.
- D. Duties of Officers:
 - 1. Chairman:
 - a. The Chairman shall preside at all meetings of the Board.
 - b. The Chairman shall prepare meeting agendas and issue in due time before the scheduled meeting.
 - c. The Chairman shall call at least one regular meeting each Month.
 - 2. Vice Chairman:
 - a. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

SECTION VI – MEETINGS;

- A. No meeting shall be held without a quorum consisting of four (4) members.
- B. Regular meetings will be on the first Tuesday of each month unless otherwise specified by the Chairman.
- C. Special meetings or Workshops shall be called at the discretion of the Chairman or when called by a majority vote of the members. These shall generally be held on the 3rd Tuesday.
- D. Site walks shall be scheduled as needed.

SECTION VII – AGENDA

- A. Agendas shall be established by the Planning Director. No item may be added to the agenda at a Planning Board meeting, except by a majority vote of the Board.

SECTION VIII – PROCEDURE FOR THE BOARD REVIEW:

- A. The Board and applicants shall follow procedures set forth in Applicable Town of Topsham Ordinances.

SECTION IX – AUTHORITY OF PROCEDURE:

- A. ROBERTS RULES OF ORDER, as shall apply on all questions of procedure not specified in the By-Laws, unless otherwise determined by the Board.
- B. Public Hearings shall be conducted in accordance with the RULES FOR THE CONDUCT OF PUBLIC HEARINGS.

SECTION X – AMENDMENTS:

- A. The By-Laws may be amended at any regular business meeting of the Board by an three-fifths (3/5) majority vote, providing the amendment has been submitted in writing and read at the previous regular meeting.

SECTION XI – CONFLICTS OF INTEREST

Any member of the Board that feels a conflict of interest exists, or appears to exist, with respect to a particular applications, shall notify the Chair of the potential conflict. The Board shall review the facts of the apparent conflict in public session, and

make a determination as to whether the member should review the application in question. Where a conflict is found to exist, the member shall leave the table. However, the member shall still be counted toward a quorum.

SECTION XII – EX PARTE COMMUNICATIONS

All Board members should refrain from discussing pending applications, or potential applications, with each other outside of Planning Board meetings. Communications with residents regarding pending applications or potential applications should also be avoided. Where communications take place inadvertently, they should be disclosed to the Board in public session.

No Board member should conduct site visits to project locations. All visits should be conducted as part of a Planning Board site visit.

SECTION XIII – SEPARABILITY:

- A. Any portion of these By-Law found to be contradictory to law shall not invalidate other portions.