

1 **BYLAWS**  
2 **KITTERY PLANNING BOARD**

3 Adopted January 17, 1974  
4 Revised and approved, November 19, 1987  
5 Revised and Approved, May 23, 1991  
6 Revised and Approved October 11, 2007  
7 Revised and Approved February 28, 2008  
8 Revised and Approved, January 22, 2015  
9 Revised and Approved, December 10, 2015  
10 Revised March 16, 2022

11 The Planning Board of the Town of Kittery has been established under the Town Charter adopted in 1967  
12 according to HP 521-LD768, Revised Planning and Zoning Statutes in Maine, 1969, and other applicable  
13 State Statutes.

14  
15 Section 1. The Planning Board consists of seven (7) members appointed by the Town Council in accordance  
16 with the Town Charter adopted in 1967 and subsequent revisions. The term of office of a member is three  
17 (3) years. Upon appointment by the Town Council, and upon renewal of term, each member must take and  
18 subscribe to the oath of office as administered by the Town Clerk or any other person so authorized.  
19 Members must attend a planning board training session sponsored by the Maine Municipal Association  
20 (MMA) within one (1) year of appointment and once each subsequent term.

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22 Section 2. At the first regularly scheduled meeting in ~~January~~ December, the Board must elect from among  
23 its membership, a Chair, Vice-Chair and Secretary. Term of service is one year.

24  
25 Section 3. Meetings of the Planning Board are held in the Town Hall at 6:00 p.m., on the second and fourth  
26 Thursdays of each calendar month, except November and December. During those months, one meeting  
27 will be held on the second Thursday ~~and a second meeting on the third Thursday, at the Board's discretion.~~  
28 ~~When a regularly scheduled meeting occurs on a holiday, the regular meeting for that date must be re-~~  
29 ~~scheduled by the Board at its last regular meeting prior to the holiday.~~ The date, time or location of any  
30 regular meeting may be changed by an affirmative vote of four (4) or more members, taken at any regular

31 meeting of the Board.

32

33 Section 4. Special meetings may be scheduled at a regular meeting, called by the Chair or, in case of the  
34 Chair's absence, disability or refusal, may be called by the Vice-Chair or by four (4) or more members of  
35 the Board. Notice of such special meeting not made at a regularly scheduled meeting must be made known  
36 to Board members by telephone at least twelve (12) hours before the meeting and by email with  
37 confirmation by return email within the same twelve (12)-hour time restriction. The telephone call and text  
38 of the email must set forth the matter or matters to be discussed and/or voted on, and nothing else may be  
39 considered at such a special meeting.

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41 Section 5. At the appointed time, the Chair, or in the absence of the Chair, the Vice-Chair, calls the members  
42 to order, calls the roll, leads the Pledge of Allegiance, and upon determining whether a quorum of members  
43 is present, proceeds with the business of the meeting. The order of business is as follows: (a) amendments  
44 to the agenda, ~~(b) approval of the minutes of the preceding meeting(s)~~, ~~(eb)~~ public comment ~~(ec)~~ old regular  
45 business ~~(ed)~~ new regular business ~~Board members' time~~ ~~(fc)~~ ~~Planner's time~~ ~~(gf)~~ new regular business, ~~(hg)~~  
46 adjournment.

47

48 Section 6. Minutes of all meetings, workshops and site walks must be recorded. Review, correction and  
49 approval by the Board of such minutes occurs at the first meeting following transcription by the recorder  
50 and distribution to members. Upon approval, copies are furnished to the Town Manager, Town Council  
51 Chair, the ~~Zoning~~ Board of Appeals Chair, and the Conservation Commission Chair, Port Authority Chair.

52

53 Section 7. A quorum consists of four (4) members. All decisions must be made by a minimum of four (4)  
54 like votes, except on procedural matters. A meeting may not be held with fewer than four (4) Board  
55 members present.

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58 Section 8. Where a member may possess a conflict of interest pertaining to a matter before the Board, that  
59 member may not be permitted to vote on said matter, and that member may not be counted by the Board in  
60 establishing the quorum in the matter. ~~A member with a conflict of interest of the Board will inform the~~  
61 ~~Chair of their conflict of interest and recusal.~~ ~~If there is doubt regarding the conflict, the Board will vote~~  
62 ~~on whether a conflict exists.~~ ~~Public disclosure of any possible conflict must be made before discussion~~  
63 ~~of the agenda item in question.~~ To an extent determined by the Chair, members of the public may be  
64 permitted to comment on this matter at this time. A majority vote of the Board members present, minus the  
65 member under challenge, decides whether the alleged conflict exists such that it: (a) may reasonably  
66 interfere with the affected member's ability to hear and act on the item impartially, or (b) whether  
67 participation by the member in question would give the appearance to the public of an inappropriate conflict  
68 of interest so as to undermine public confidence in the fairness of the meeting and the impartial treatment  
69 of the subject matter.

70  
71 Section 9. Members are expected to attend all regular and special meetings and site walks. Where a  
72 member is absent from more than three (3) consecutive regular meetings, the Board may then vote to  
73 recommend to the Town Council that the position be declared vacant.

74  
75 Section 10. Site walks called by the Chair, or by four (4) or more Board members, are public meetings. All  
76 site walks must be properly noticed to applicants, at minimum direct abutters and the general public,  
77 ~~according to ordinance requirements.~~ A minimum of four (4) Board members must be present to hold a site  
78 walk. No formal motions may be made nor votes taken at a site walk besides a vote of adjournment. The  
79 Planner, or Planner's designee, is responsible for minutes of site walks. Site walk minutes must be included  
80 in the records of applications before the Board.

81  
82 Section 11. ~~Public comment and opinion are welcome during Planning Board meetings. However,~~  
83 ~~comments and opinions related to development projects currently being reviewed by the Planning Board~~  
84 ~~will be heard only during a scheduled public hearing when all interested parties have the opportunity to~~  
85 ~~participate. Those providing comment must state clearly their name and address, and record it in writing at~~

86 the podium. Further, the public may submit written public comments via email, US Mail, or by hand  
87 delivery to Town Hall. Emailed comments should be sent to Town Planning Department Staff. Comments  
88 received by noon on the day of the meeting will become part of the public record and may be read in whole  
89 or in summary by the Planning Board or Town Staff.

90  
91 Section 12. Discussion between Board members of business before the Board ~~must~~ ~~may~~ only be held at a  
92 public meeting. Such business ~~may~~ ~~must~~ not be discussed in private whether or not a majority of the Board  
93 is involved, and whether the discussion occurs in person, by phone or by any other means. During a duly  
94 noticed public site walk, individual Board members ~~must~~ ~~may~~ not hold private discussions among  
95 themselves, or with others, concerning substantive details of the site or plan. Private discussion of business  
96 before the Board could constitute illegal ~~ex~~ ~~ex~~-parte communication and jeopardize the due process rights  
97 of those excluded from such a discussion.

98  
99 Section 1213. The Chair shall preserve order, ~~must~~ ~~may~~ speak to points of order in preference to other  
100 members, and shall decide all questions of order, subject to appeal to the Board by motion, regularly  
101 seconded, and no other business may be transacted until the question on appeal is decided.

102  
103 Section 1314. The Chair shall declare all votes, but if any member doubts a vote, the Chair must cause a  
104 recount of the vote without debate.

105  
106 Section 1415. When a question is under debate, the Chair may receive no motion but to adjourn, or to move  
107 the previous question, or to lay on the table, or to postpone to a specified date, or to refer to a committee or  
108 some administrative official, or to amend, or to postpone indefinitely: which several motions have  
109 precedence in the order in which they stand arranged.

110  
111 Section 1516. The Chair shall consider a motion to adjourn as always in order except on immediate  
112 repetition; and that motion, and the motion to lay on the table, or to take from the table, must be decided

113 without debate.

114

115 Section 1617. When a vote is passed, it is in order for any member who voted on the prevailing side to  
116 move reconsideration thereof at the same meeting, or at the next succeeding meeting. When a motion of  
117 reconsideration is made and seconded, the subsequent vote is final.

118

119 Section 1718. During a public hearing, at the time appointed on the agenda for a particular matter before  
120 the Board, any other person in attendance at the meeting wishing to address the Planning Board, must so  
121 signify. ~~by raising a hand.~~ When recognized by the Chair, and before addressing the subject matter of the  
122 hearing, such person must state his or her name and address for the record and enter this same data in writing  
123 where and when requested. At any other time during a meeting, the Chair retains the discretion to invite  
124 further public comment. In all cases, the Chair, with consent of the Board, may set reasonable time limits  
125 on members of the public who choose to address the Board. Likewise, the Chair may limit public testimony  
126 to that deemed relevant and material to the subject matter of the hearing, or other Board concern.

127

128 Section 1819. All meetings of the Board are public. However, the Board may recess for executive session,  
129 upon majority vote, consistent with the Maine Right to Know Law (MRSA Title 1, Sections 401-410),  
130 provided the motion to recess for executive session indicates the precise nature of the business to be  
131 conducted in such closed session, including any and all relevant statutory reference(s) to such power to  
132 recess, and that final action not be taken by the Board except in public session.

133

134 Section 1920. Subcommittees are established by the Chair and may consist of no more than three (3) Board  
135 members. Planning Board subcommittee meetings are public meetings, and the date, time and location of  
136 such meetings must be posted in Town Hall and on the Kittery Town website.

137

138 Section 2021. The Chair may, with the affirmative vote of a minimum of four (4) members, call special  
139 workshops for the purpose of updating regulations, ordinances, bylaws or addressing other work items.

140 These workshops are open to the public but are not public hearings. Input from interested citizens may be  
141 allowed at the Chair's discretion or may be heard at a regular Board meeting.

142  
143 Section ~~21~~-22. These bylaws may be revised by submission of a proposed change in writing to the Board,  
144 and consideration in at least two meetings of the Board. The change is effective upon adoption by the Board.

145  
146 Section 22. Planning Board meetings are conducted according to Robert's Rules of Order. Conflicts are  
147 resolved in favor of the bylaws.

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