

Town of North Yarmouth Zoning Board Of Appeals Bylaws

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for committee meetings and to promote the fair, orderly and efficient conduct of the Committee's proceedings and affairs. These bylaws shall govern the committee's practices and procedures except as otherwise provided by Maine Law or Town of North Yarmouth ordinances, and shall liberally construed so as to accomplish their purpose.

Section 2. Membership

- A. The Zoning Board consists of five (5) regular members and two (2) alternate members, who shall be residents of the Town of North Yarmouth. The members shall be appointed by the select board to serve staggered three (3) year terms.
- B. All Zoning Board members shall attend all meetings unless the chair is notified that a member is absent with good cause.

Section 3. Officers and Duties

Officers of the Board shall be chosen annually (in compliance with town charter) at the first regular meeting in July of each year by and from among Committee members unless otherwise prohibited by law.

- B. The Chairperson shall preside at all meetings and shall have the authority to rule on questions of evidence and procedure to maintain order. Chairperson shall set agenda previous to meetings then will determine the course of the proceedings. and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Committee to perform its duties and conduct its affairs.
- C. In absence of the Chairperson, the Secretary shall preside and have the same authority as the Chairperson.

- D. The secretary or designee shall maintain a permanent record of all Committee meetings and all correspondence of the committee, which shall be a public record except as otherwise prohibited by law.
- E. The chair shall be empowered, in consultation with the town manager, to consult town counsel to clarify any legal concerns including but not limited to, procedure, process, and attorney attendance at any given meeting.

Section 4. Meetings

- A. The regular meeting shall generally be held at least three (3) times a year for administrative purposes and meet as required to address appeal applications and issues.
- B. The annual organizational meeting of the committee shall be the first regular meeting in July of each year.
- C. Special meetings may be called by the chairperson with no less than forty-eight (48) hours written notice of the time, place and business of the meeting. This notice shall be given to each member of the committee, the code enforcement officer and shall be posted on all Town forms of electronic media communications and designated public locations.
- D. The chairperson shall call a special meeting within ten (10) days receipt of a written request from any three (3) members of the committee whose request shall specify the matters to be considered at said special meeting.
- E. There is a time limit of three (3) hours on all meetings unless there is a favorable vote by a majority of Board members present and voting to continue. The order of business at regular meetings of the committee shall follow the guidelines of Roberts Rules.
 - 1) Call to order.
 - 2) Pledge of Allegiance.
 - 3) Approval of the previous meeting minutes.
 - 4) Public Hearing(s) (when scheduled)
 - 5) Agenda items (old business)
 - 6) New business.
 - 7) Public comment.
 - 8) Any other business (discussion as time permits)
 - 9) Adjournment.
- F. All support documents and meeting materials shall be submitted seven (7) days in advance of the meeting.

- G. All meetings of the board shall be open to the public. No votes may be taken by the board except in public meetings. Any meeting that consists of at least a quorum of three (3) members will be considered an Official meeting and subject to Maine law and Town of North Yarmouth charter.
- H. The appeals Board may make site visits as deemed necessary together with the Permitting Authority and the Petitioner, at a reasonable time as mutually agreed upon, in order to document the facts for the above finding. Any and all site inspections and findings shall be recorded and made part of the permanent record.

Section 5 Voting.

- A. A quorum shall consist of three (3) members.
- B. All matters shall be decided by a show of hands. Decisions on any matter shall require an affirmative of a majority of the total number of regular members of the board.
- C. A vote without majority shall be considered a failure of the motion.
- D. Prior to consideration of any agenda item before the Board, each Board member shall declare any potential conflict of interest to the Board with respect to that item. A Board member may voluntarily refrain from participation on an agenda item. If a question of a possible conflict of interest is raised and the Board member asserts there is no conflict that will influence his or her conduct, the Board after discussion, shall determine, by a majority vote whether a conflict exists.
- E. The chairperson or presiding chair shall appoint an alternate member to act for a regular member who is: disqualified from voting, unable to attend a meeting or absent from a substantial portion of the meeting due to late arrival. The late arrival will then act as alternate.
- F. If an alternate Board member sits for an appeal that gets continued to another meeting, that alternate shall have precedence over a returning regular Board member in sitting for the continuance of that appeal. In no case shall any member, regular or alternate, be allowed to join an appeal in progress without a declaration that they have studied all of the relevant documents, video coverage, and minutes germane to the issue.
- G. Reconsideration of decision. The Board may reconsider any decision as provided by 30-A M.R.S §2691(3)(F). That provision currently states in relevant part:

The board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

The Board may vote to reconsider its decision for one of the following reasons:

1. The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based, or
2. The Board misinterpreted the ordinance or statute, followed improper procedure, or acted beyond its jurisdiction.

Section 6 Conflict with Laws.

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

Section 7 Waivers; Amendments.

These bylaws, or any provision thereof, may be waived on any occasion by a majority vote of the committee unless otherwise provided by law. These bylaws may be amended at any time in writing by a majority vote of the committee on the proposed amendment.

Adopted: 01/18/2023