

Ordinance # OR 09 R2

Adopted : March 5, 1988

Revised: March 7, 1992

Re-enacted: March 16, 2013

Revised: March 16, 2013

Revised: March 16, 2024

**AN ORDINANCE FOR THE ESTABLISHMENT OF A PLANNING BOARD
FOR THE TOWN OF ANDOVER**

ARTICLE I. ESTABLISHMENT

The Planning Board of the Town of Andover is hereby created and constituted under the provisions of Article VIII-A of the Maine Constitution and by 30 M.R.S.A. Section 3001.

ARTICLE II. PURPOSE

To establish a formal board to review applications for building permits, subdivision applications, review and revise the comprehensive plan: review, initiate, and revise building, zoning, subdivision, land use, and related ordinances. The planning board shall be the primary review and approval authority for all land use applications.

ARTICLE III. APPOINTMENT, TENURE, VACANCY

1. **Membership.** The Planning Board shall consist of three (3) regular members and two (2) alternate members appointed by the selectmen. They must live in the Town of Andover be **18 years of age and a United States citizen** and *shall be compensated for each Planning Board meeting attended with a stipend set annually at Town Meeting.*
2. **Term.** The term of office of a member shall be three years. The term of office for the alternate members shall be 3 years. Initial terms of office for regular members shall be 1, 2, and 3 years respectively. Initial terms of office for alternate members shall be 2 and 3 years respectively.
3. **Officers.** The Board shall annually elect a chair and vice chair and a secretary from its own membership, and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.
4. **Vacancy.** When there is a vacancy, the Town Selectmen shall, within thirty days of its occurrence, appoint a person to serve for the unexpired term.
5. **Vacancy defined.** A vacancy shall occur upon the resignation or death of a member, or when a member ceases to live in the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chairman of the Board shall immediately so advise the Town Selectmen in writing. The Board may recommend to the Selectmen that the attendance provision be waived for cause, in which case no vacancy will then exist **unless** the Board of Selectmen disapproves the waiver within 30 days.
6. **Removal.** The Town Selectmen may remove members of the Planning Board for cause, after notice and hearing.

ARTICLE IV. MEETINGS

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1. **Meeting Schedule.** The Chairman shall call meeting of the Board as required and shall call at least one regular meeting of the Board each month. Special meetings may be held upon the call of the Chairman, or in his absence, the vice chairman, by majority vote of the Town Selectmen, and at such other times as the Board may determine, provided that at least 48 hours notice is given to each member and media representatives.
2. **Quorum.** A quorum of at least two (2) members and one (1) alternate is necessary to conduct an official Board meeting. The Chairman or the vice chairman shall preside at all meetings of the Board. The Chairman shall be the official spokesman of the Board.

ARTICLE V. BYLAWS

The Board is hereby authorized to adopt appropriate bylaws as necessary in order to fulfill the purposes of this ordinance, to ensure effective practice and procedures, and to facilitate the convenience of the Board.

ARTICLE VI. VOTING

1. **Voting by alternates.** When a member is unable to act because of physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an alternate member to act in his stead.
2. **Participation and attendance by alternate.** Alternate members shall attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the chairman to act for a regular member, at the beginning of the meeting.
3. **Decisions.** Decisions of the Board shall be by majority vote of those present and voting.

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ARTICLE VII : DUTIES

The Planning Board Shall:

1. **Comprehensive Plan.** Maintain the Comprehensive Plan in accordance with the provisions of **Title 30-A.M.R.S.A. section 4326**
2. **Zoning Ordinance.** Advise the Board of Selectmen on proposed zoning ordinances;
3. **Subdivisions.** Review applications and make orders with respect to all subdivisions.
4. **Investigations.** Investigate and report on any problems referred to it in writing by the Board of Selectmen.
5. **Studies.** Make studies on any area of town development as it may deem necessary,
6. **Issue Permits.** The Planning Board, and or the Code Enforcement Officer Shall review and issue permits as required by local ordinances .Written notice shall be provided describing Board action on each permitted application. The Board shall provide each applicant with the process for appeals and variances.
7. **Variances.** Any request for variance must go to the Appeals Board after a written denial of permit application from the Planning board. Written notice shall be provided for variance denials, including a statement of the basis for denial and the procedure for appeal. Variances can only be issued where in the opinion of the Board the variance would not significantly alter the intent of the ordinance or law in question.
8. **Annual Report.** Submit a status report of the Planning Board annually, at a regular meeting of the board of Selectmen for inclusion in the Annual Town Report.
9. **Contracts.** Make and enter into such contracts as may be necessary to administer applicable ordinances, subject to the approval of the Board of Selectmen. The board may contract for goods and services necessary for its proper function within the limit of its budget as approved by the town.

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VIII. INTERRELATION OF THE BOARD OF SELECTMEN AND PLANNING BOARD

The Board shall be an advisory body of the Board of Selectmen. Existing building, subdivision, land use, shoreline zoning and other related ordinances shall not be revised or amended until the Board has made a careful investigation of all proposed revisions or amendments. When the Board of Selectmen directs the Planning Board in writing to study and report back on proposed revisions or amendments to Ordinances, the Board shall make its official report to the Board of Selectmen within sixty (60) days unless a longer period of time has been granted by the Board of Selectmen.

IX. CONFLICT OF INTEREST

A planning board member who has a direct or indirect financial interest in any question on which he or she must decide in an official capacity must make full disclosure of that interest on the record and must abstain from voting or attempting to influence a decision in his or her capacity as a board member. A board member shall abstain from voting if he or she is so biased against the applicant or the project that he or she could not make an impartial decision.

X. SAVING CLAUSE

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

XI. AMENDMENTS

The Ordinance may be amended by majority vote at Town Meeting.

XII. EFFECTIVE DATE

The Ordinance shall become effective when enacted by the voters of the Town of Andover.

Board of Selectmen:

Signature Bruce Mills

Signature _____

Signature [Signature] Date 4/23/24

Accepted at Town Meeting on March 16, 2024

Clerk Melinda Averill

Melinda Averill/ Clerk