

PLANNING BOARD ORDINANCE
FOR THE
TOWN OF WINDSOR, MAINE

ENACTED: Special Town Meeting, June 17th, 2006

CERTIFIED BY: *Paul A. Cunningham*
Name

Clerk
Title

Affix Seal

Attest: A true copy of an ordinance entitled "Windsor Planning Board Ordinance," as certified to me by the Board of Selectmen of Windsor on the 16th day of May, 2006.

Signature *Paul A. Cunningham*

Town Clerk of Windsor

WINDSOR PLANNING BOARD

Section 1. Establishment. Pursuant to Art. VIII, pt. 2, Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, the Town of Windsor, Maine hereby establishes a Planning Board.

Section 2 Appointment

- 2.1. Members of the Planning Board shall be appointed by the Board of Selectmen, who shall determine their compensation, if any. Members shall be sworn in by the town clerk or other person authorized to administer oaths.
- 2.2. The board shall consist of five (5) regular members and two (2) associate members. Members of the board immediately prior to enactment of this ordinance shall continue as regular members of the board as reestablished by this ordinance for the unexpired portion of their terms.
- 2.3. Regular members shall serve three (3) year staggered terms, except that initial appointments made under this ordinance may be for one (1) year, two (2) years or (3) years as necessary to achieve the purpose of this subsection. Decisions of the selectmen relating to the staggering of terms pursuant to this subsection shall be final. Alternate board members shall be appointed for three year terms.
- 2.4. When there is a permanent vacancy on the board, the Selectmen shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a legal resident of the municipality. The municipal officers may remove members of the Planning Board by majority vote, after providing notice and an opportunity for a hearing.
- 2.5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the Planning Board.

Section 3. Organization and Rules.

- 3.1. The board shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. The term of all offices shall be one (1) year with eligibility for re-election.
- 3.2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that member's stead.
- 3.3. An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a member.

WINDSOR PLANNING BOARD

- 3.4. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- 3.5. The chairperson shall call at least one regular meeting of the board each month.
- 3.7. No meeting of the board shall be held without a quorum consisting of three (3) members or associate members authorized to vote. The board shall act by majority vote of the members present and voting.
- 3.8. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

Section 4. Duties and Powers

- 4.1 The board shall perform such duties and exercise such powers as are provided by Windsor ordinance and the laws of the State of Maine.
- 4.2 The Planning Board may, and shall upon request of the Board of Selectmen, prepare ordinances and amendments thereto for submission to and adoption by the legislative body.
- 4.3 The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

Section 5 Severability Clause

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

WINDSOR JUNE 2006 SPECIAL TOWN MEETING WARRANT

amount owed. Motion passed as written.

ARTICLE 29: Shall an ordinance entitled 'Windsor Conservation Commission' be enacted?

Board of Selectmen Recommends: Yes

Planning Board: Yes

Moved and seconded to accept as written. Motion carried.

ARTICLE 30: Shall an ordinance entitled 'Windsor Planning Board' be enacted?

Board of Selectmen Recommends: Yes

Planning Board: Yes

Jeff Frankel, Moderator stepped down, as he wanted to be able to speak on this article. He appointed Carol Eckert as Deputy Moderator in his place. Moved and seconded to accept as written. Article passed.

ARTICLE 31: Shall an ordinance entitled 'Board of Appeals Ordinance' be enacted?

Board of Selectmen Recommends: Yes

Planning Board: Yes

Moved and seconded to accept as written. Article passed.

ARTICLE 32: Shall Section VII of the Building Code of the Town of Windsor be amended to read:

SECTION VII. APPEALS AND VARIANCE REQUESTS.

Appeals and variance requests from the decisions of the Code Enforcement Officer may be taken to the Board of Appeals.

A. Administrative Appeals

The Board of Appeals shall hear and decide appeals from decisions of the Code Enforcement Officer refusing to issue a building permit pursuant to this ordinance, or from the failure of the Code Enforcement Officer to timely act on a permit application.

B Variance Requests From Dimensional Standards

The Board of Appeals shall hear and decide requests for variances from the dimensional standards contained in this ordinance following the Code Enforcement Officer's refusal to issue a building permit when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;