

## Draft Minutes of the Mount Vernon Planning Board

*November 15, 2011*

Present: John Dixon, John Hagelin (Chair), Julie Hall, Geoff Herman (Secretary), Scott Herrick, Charlie Morse

### **Meeting Notes.**

Activities requiring Planning Board review have slowed remarkably, and the Board convened for the first time since the July meeting to address an inquiry whether a business proposal would require a Site Plan Review or be deemed a "home occupation". The person phoning-in the inquiry, however, did not attend the meeting.

The Board also reviewed a memo to the Board prepared by Geoff Herman (secretary), who had been asked at the July meeting to advance two inquiries to the Legal Services staff of the Maine Municipal Association (MMA) as a result of concerns expressed at that meeting by Holly Dumaine of the Sandy River Road regarding the notification and public attendance procedures to follow when a majority of the members of the Planning Board undertake a site visit.

In summary, the lawyer at MMA said that: (1) public notice of the time, date and place of a site visit, such as by posting a notice in the normal posting places in town (Country Store, Flying Pond Variety, and the Town Office), must be provided if a majority of the Planning Board will be attending the site visit because a meeting of the majority of the Planning Board constitutes a "public meeting"; and (2) since the public has a right to attend any public meeting, if the property owner objects to the general public accompanying the Planning Board during a site visit, the Board should not conduct the site visit as a Board. Rather, the Board should delegate the site visit process to a single individual (e.g., the Code Enforcement Officer) or a subcommittee of one or two Board members, because a site visit conducted by a minority of the Board or by a single individual would not constitute a "public meeting".

Adding to the discussion, Ms. Dumaine provided the Board with a copy of a newspaper article from the Kennebec Journal dated October 3, 1997 which indicated that her same concerns had been expressed to the Planning Board and the Board of Selectmen at that time and a similar direction from MMA's Legal Services Department had been communicated to the Planning Board.

After discussion of the matter among the Board members and Ms. Dumaine, the Board adopted the following protocol.

When scheduling a site visit with an applicant during a Planning Board meeting, the Board will ask the applicant if there is any concern with members of the public attending the site visit. If there is no concern, a notice of the site visit will be posted in the three identified posting places. If the applicant expresses a concern about the general public attending the site visit, the Board will delegate that task to a member of the Board or a minority subcommittee of the Board, charging that subcommittee with reporting its findings back to the full Board at the next meeting. In that circumstance, no posting of the site visit will be made because it will not be public meeting.

The Board's next meeting will be held at 7:00 p.m. on Tuesday, December 20 at the Mount Vernon Community Center.