

Board of Zoning Appeals Remote Meeting Participation Policy

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the Falmouth Board of Zoning Appeals (BZA) adopts the following policy to govern the participation, via remote methods, of members of the BZA and the public in the public proceedings or meetings of the BZA.

IN-PERSON MEETINGS REQUIRED: Members of the BZA are expected to be physically present and gathered for public proceedings except in the following circumstances:

1. For the BZA: The existence of an emergency or urgent issue that requires the BZA to meet by remote methods.
2. For one or more individual members of the BZA: Illness, other physical condition or temporary absence of a member that causes such member(s) of the BZA to face significant difficulties traveling to or attending the meeting to be held in person.

“Remote methods” shall mean by telephonic or video technology allowing simultaneous reception of information and may include, upon request, other means when such means are necessary to provide a reasonable accommodation to a person(s) with a disability. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The BZA chair or acting chair of the BZA, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the BZA as far in advance as possible.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the BZA participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the BZA and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire BZA to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and may include, upon request, other means when such means are necessary to provide a reasonable accommodation to a person(s) with a disability. Notice will also identify a location where the public may attend the meeting in person. The BZA will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the BZA to meet using remote methods of attendance.

The BZA will make all documents and materials to be considered by the BZA available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the BZA.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the BZA and the public. A member of the BZA who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

Prepared by Code Enforcement Officer Justin Brown on 8/12/21. Approved by the Board of Zoning Appeals on 8/24/21.