



**TOWN OF KENNEBUNKPORT
Zoning Board of Appeals
SPECIAL MEETING
September 14th, 2021 @ 6:00 PM
32 North Street, Village Fire Station Meeting Room**

Attendance

AGENDA

1. **Consider Zoning Board of Appeals Remote Meeting Policy and Receive Public Comment** - The Zoning Board will vote on whether they wish to adopt policy allowing remote participation of Board members and the public.
2. **Consider Zoning Board Resolution Regarding Urgent Public Health Concerns** – The Zoning Board will vote on whether to resume virtual meetings using the Zoom platform.
3. **Adjourn**

REMOTE PARTICIPATION POLICY

(Town of Kennebunkport Zoning Board of Appeals)

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, 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 body as far in advance as possible.

Remote methods of participation may include telephonic, or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body 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 body 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 will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body 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 body.

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 body and the public. A member of the body 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.

Dated: 9/14/2021

Signed: _____

Resolution

Kennebunkport Zoning Board of Appeals

A recently adopted amendment to the open meetings law permits public meetings to be held remotely provided that the public can attend remotely. The Zoning Board of Appeals adopts the Remote Participation Policy dated September 14, 2021, which covers meetings held by the Zoning Board of Appeals. The CDC has recently designated York County as having “substantial” transmission rates of the COVID virus as a result of, among other things, the increasing prevalence of the Delta variant of the virus. As a result of this “emergency or urgent issue,” the Zoning Board of Appeals finds that being physically present for board meetings at this time is not practicable, and therefore requires a return to holding public meetings by remote technology/methods. Zoom links for these meetings will be provided on agendas and on the Town website.