

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: December 16, 2014  
SUBJECT: Planning Board Rules and Regulations revisions

### Introduction

The Planning Board is proposing amendments to the Rules and Regulations to address three areas. The amendments are described below and Town Attorney John Wall's comments are attached.

### Procedure

- The board should begin by describing the proposed amendments.
- No public hearing is required but the Planning Board should invite public comment.
- At the close of public comment, the board may begin discussion of the amendments.
- Once discussion is concluded, the Board has the option to recommend or not recommend the proposed amendments to the Town Council for consideration.

### Discussion

Under Sec. 4-1-3. of the Board and Commission Ordinance, the Planning Board is required to "promulgate by-laws governing the conduct of their business ..." The Planning Board Rules and Regulations serve as the Planning Board bylaws. They are periodically reviewed and revised and then submitted to the Town Council for approval.

The most recent revisions are intended to address the following:

1. Procedural votes at workshop. Earlier this year, the Town Council reviewed its own rules and determined that some procedural votes at workshops are necessary. The Town Council asked the Planning Board to adopt similar changes. Specifically, a vote is allowed at a workshop to decide the potential conflict of interest of a board member. Planning Board practice has been to address potential conflicts of interest at workshops but not to take a formal vote until the regular meeting. The proposed amendment would allow a vote on conflict of interest at the workshop.

The second procedural vote would be to send an item to a public hearing at the next regular meeting of the Planning Board. Again, the board has on rare

occasions instructed staff to advertise a public hearing but not taken an official vote. The proposed amendment would allow a vote to schedule a public hearing.

2. Site walk procedures. The Planning Board has agreed on how to conduct a site walk, and this process has been added to the Rules and Regulations.
3. Internet research. The Planning Board recently encountered a situation where information submitted by an applicant was supplemented by research conducted by Planning Board members. The proposed amendments establish a process that allows board members to conduct internet research and protects the due process rights of applicants and right-to-know law rights of the public.

Motion for the Board to Consider

BE IT ORDERED that the 2014 Planning Board Rules and Regulations Amendments be (recommended/not recommended) to the Town Council for consideration.