

Draft Amendments
CAPE ELIZABETH PLANNING BOARD
RULES AND REGULATIONS
(effective December 13, 2010)

Section 1 Organization of the Board

A. Board Membership

As stated in Article IV, Sec. 4-4-2 of the Town Code of Ordinances, the Planning Board shall consist of seven (7) members who shall be residents of the Town and who shall not be salaried officials of the Town. The members shall serve without pay and shall be appointed by the Town Council to serve for staggered three (3) year terms expiring on January 1.

B. Board Officers

1. A Chair and a Vice-Chair shall be elected annually by the Board members at the regular January meeting and shall assume their duties at said meeting.
2. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.
3. Should both the Chair and the Vice-Chair be absent from a Board meeting, a temporary Chair shall be appointed by the Chair prior to the meeting or elected by a majority of the Board present at the meeting.

Section 2 Meetings

- A. Regular - The regular meeting of the Planning Board shall be held at 7:00 p.m. on the third Tuesday of each month in the Town Hall or such other time and place that the Board may designate. The date, time and place of any regular meeting may be changed by an order passed at the previous meeting of the Board. The Board shall not begin to hear new agenda items commencing after 10:00 p.m., unless the Board votes to suspend this rule. Items not heard will automatically be added to the agenda for the next regular meeting.
- B. Special - Special meetings may be called by the Chair or when requested by a majority of the Board. Whenever possible, a special meeting shall be announced at a prior regular meeting of the Board. The announcement of a special meeting shall set forth the matters to be acted upon by the Board.
- C. Workshop - Workshop meetings shall be held at the discretion of the Chair. Such workshops shall be held on the first Tuesday of each month whenever possible.
- D. Site Walks - Site walks as deemed necessary by the Board may be scheduled.
~~Members of the public may attend site walks.~~

- E. Quorum - A quorum for a meeting shall consist of at least four (4) members of the Board.

Section 3 Conduct of Meetings

A. General

1. The Chair shall call the meeting to order at the appointed time. If a quorum is present, the Chair shall call for the approval of the minutes of the preceding meeting, and then proceed to business.
2. The Chair shall declare all votes. If any member doubts a vote, the Chair shall order a recount of the affirmative and negative votes without debate. The secretary shall record all votes.
3. In the conduct of its meetings, the Planning Board will be guided by the latest edition of Robert's Rules of Order, Newly Revised.
4. Prior to consideration of an agenda item before the Board, each Board member shall declare any potential conflict of interest to the Board with respect to that item. A Board member may voluntarily refrain from participation on an agenda item. If a question of a possible conflict of interest is raised and the Board member asserts that there is no conflict that will influence his or her conduct, the Board, after discussion, shall determine by a majority vote whether a conflict exists. A Planning Board member with a conflict of interest shall refrain from participating, influencing and voting on the agenda item that precipitated the conflict of interest.
5. A presentation by an applicant shall not exceed 15 minutes in length without the permission of the Chair.

B. Decorum and Order

The Chair shall preserve decorum and decide all questions of order and procedure. Persons may only address the Planning Board after being recognized by the Chair, and at regular meetings only at the lectern. Other than when recognized, persons present at Planning Board meetings shall not applaud or otherwise express approval or disapproval at any statements made or actions taken at such meeting.

C. Public Comment

1. Workshop - Members of the public are strongly encouraged to submit written comments addressing workshop items. All written comments shall be submitted to the Town Planner for distribution to the Planning Board and placement in the public file.

2. Regular/Special meeting – In addition to written comments, members of the public may speak at a regular or special meeting.
 - a. The public hearing or public comment period will be opened after the applicant has made a presentation describing the project, or the Planning Board Chair has described the ordinance amendment or policy issue under consideration. When the Planning Board is considering the completeness of an application, public comments shall be limited to completeness and no comments on the merits of the application shall be made. If the Planning Board finds the application complete, the Planning Board may then open a second public comment period on the substance of the application and under the terms described below.
 - b. Members of the public wishing to address the Board concerning an agenda item shall wait until the Chair asks for public comment. When recognized by the Chair, the speaker shall state the speaker's name and address in an audible tone for the record. The speaker is strongly encouraged to focus his/her comments on the development standards of review, or, in the case of an ordinance amendment or policy discussion, the issue under discussion. Each member of the public shall be allowed three (3) minutes, and such time may be extended at the discretion of the Chair. The Chair may decline to recognize any person who has already spoken on the same agenda item. Once the public hearing or public comment period is closed and the Planning Board has begun its deliberations on an item, no member of the public shall be permitted to address the Planning Board. The public hearing or public comment period may be reopened at the discretion of the Chair.
3. Persons wishing to address the Board on an item not appearing on the agenda may do so only after disposition of all items appearing on the agenda, and only at the discretion of the Chair.

D. Site Walk

1. Members of the public are welcome to attend a site walk.
2. The Planning Board Chair shall commence the site walk and preserve decorum.
3. At the beginning of the site walk, Planning Board members should identify any specific areas that they want to see as part of the site walk. The applicant is responsible for guiding participants on the site. Planning Board members shall stay together during site walks. Members of the public shall also remain with the Planning Board when site walks are conducted on private property.

4. Site walk attendees may only ask questions with the permission of the Planning Board Chair. Questions should be directly related to the physical characteristics of the site or the location of the proposed project. No substantive comments in support or opposition of the proposed project should be made at the site walk. Substantive comments should be saved for regular meetings of the Planning Board where a public record of comments will be prepared.

Section 4 Voting Procedures

- A. The Board shall act only by order. Each order shall be confined to one subject which shall be clearly expressed in the title of the order.
- B. All votes of command shall be expressed as orders. All orders shall take effect when passed unless otherwise provided.
- C. The votes for and against the passage of an order shall be entered in the proceedings of the Board recorded by the secretary. The affirmative vote of a simple majority of the members present and voting shall be required to approve a motion.
- D. The Planning Board may reconsider any order within thirty (30) days of the decision. A motion to reconsider may only be made by a member who voted in the majority on the previous vote.

Section 5 Adoption and Amendments

No rule shall be amended or repealed without a recommendation from the Planning Board and approval by the Town Council.

Section 6 Procedures

A. Agendas

- 1. Fourteen copies of plans and materials shall be submitted by an applicant at least 18 calendar days before the Board meeting, unless otherwise specified at the previous meeting. Late submissions shall not be placed on a Board agenda. Applicants are encouraged to bring an electronic copy of appropriate plans to the regular meeting for projection during the presentation.
- 2. Prior to the meeting, the Town staff will make copies of the agenda available to the applicants. The first time that the item appears on a Planning Board agenda, appropriate notice shall be sent to all property owners within 500 feet of the property involved, ~~or to the owners of the 25 properties situated nearest to it, whichever number is greater.~~ A second notice shall be mailed to the same property owners at least 7 days before a scheduled public hearing.

3. A request to be on a workshop agenda shall be made at least seven days before the meeting. Every time a development proposal appears on a Planning Board workshop agenda, appropriate notices shall be sent to all property owners within 500 feet of the property involved. Materials for Planning Board discussion of a development project shall be provided by the applicant at the workshop. No vote or decision shall be made by the Planning Board at a workshop, except for a procedural vote on the potential conflict of interest or bias of a member or to schedule a public hearing at the next regular meeting. Minutes and minutes of the workshop meeting are not required, except to record when a procedural vote is taken.

B. Coordination with Others

In order to assure coordination between the Planning Board and other Town bodies regarding development review, as well as other matters before the Board, the Town Planner shall consult with other Town officials as necessary or desirable, including the Town Engineer, the Conservation Commission, the Code Enforcement Administrator, the Town Attorney, the Fire and Police Chiefs, the Director of Public Works, and the Town Manager, as well as those who may have a particular expertise or interest in a request for review.

C. Research

When independent research is conducted by staff or a member of the Planning Board on any item before the Planning Board, information sufficient to identify and locate the research shall be made available to all members of the Planning Board, the public, and the applicant. Research conducted by individual board members shall be provided to the town planner in the form of digital or paper copy, internet address, or other appropriate method. The town planner shall collect all information submitted by Planning Board members and any other research that may be done and send it to all members of the Planning Board as part of the meeting package. A copy shall also be forwarded to the applicant and added to the public file maintained in the town planner's office. Research information obtained after the meeting package has been sent shall be forwarded to the Planning Board, the applicant and added to the public file as soon as possible after it is received.

Approved by Cape Elizabeth Planning Board: October 19, 2010

Approved by Cape Elizabeth Town Council: December 13, 2010