

**TOWN OF FALMOUTH PLANNING BOARD
Rules of Procedure**

Adopted July 22, 1985

Amended 6/17/96

Amended 2/26/01

Amended 1/23/06

Amended 2/23/09

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Amended 10/15/07

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SECTION 1. ESTABLISHMENT

Pursuant to Article VII of the Falmouth Town Charter, the Planning Board hereby adopts the following rules of procedure.

SECTION 2. MOTIONS AND DUTIES

All members present at a meeting are permitted to make motions and to second motions. An Associate Member may vote only when (s)he has been designated by the Chair to act for a member.

Regular duties of all Regular or Associate Members (hereafter called members) shall consist of, but not be limited to, the following:

- 2.1 Attending all regular, workshop, or special meetings, unless excused by the Chair.
- 2.2 Maintaining a working knowledge of the Comprehensive Plan, the Subdivision Ordinance, and the Zoning and Site Plan Review Ordinance of the Town of Falmouth.
- 2.3 Applying the review criteria and performance standards of the ordinances that have been adopted by the Town Council in a consistent and objective manner to all development applications that come before the Planning Board. [Amended 2/26/01]

SECTION 3. OFFICERS [Amended 10/27/97]

At the Board's first meeting in March of each year, officers shall be nominated by a Board member, and a secret vote shall be taken for their election. Election shall be by a majority vote of all the members of the Board.

3.1 Chair

- 3.1.1 The Chair shall preside at all regular, workshop, and special meetings of the Board, and shall conduct the meetings consistent with Roberts Rules of Order, except that when Roberts Rules of Order are in conflict with these rules of procedure, these rules shall take precedence.
- 3.1.2 The Chair shall appoint members to the Committees of the Board.
- 3.1.3 The Chair shall be an ex officio member of all Committees.
- 3.1.4 The Chair shall prepare meeting agendas in accordance with the provisions of Section 5 and cause said agenda to be issued in due time before the scheduled meetings.

3.2 Vice Chair

- 3.2.1 The Vice Chair shall assume the duties of the Chair when the Chair is absent or unable to participate due to a conflict of interest or other reason.

3.2.2 The Chair may delegate his/her duties to the Vice Chair when, in their judgment, workload or circumstances so dictate.

3.3 Temporary Chair

Should both the Chair and the Vice-Chair be absent from a Board meeting, or unable to participate due to a conflict of interest or other reason, a temporary Chair shall be elected by a majority of the Board members present at the meeting.

SECTION 4. MEETINGS

4.1 Regular Meetings

The Planning Board meets at 6:30 p.m. on the first Tuesday of each month. When the regular meeting day falls on a holiday or is postponed by the Chair due to adverse weather conditions or other cause, the regular meeting is held on the following Tuesday at the same time and place. The regular meeting may also be moved to another day by majority vote of the Board at the next prior meeting. [Amended 6/17/96]

4.2 Continuance of Regular Meetings

If the Planning Board considers that the application workload requires the Board to meet more than once in a month, the Board may continue the regular meeting on the following Tuesday at the same time and place. If the meeting is continued, the agenda will be continued from the point at which the meeting was adjourned.

4.3 Workshop Meetings

At the regular meeting, the Chair shall poll the members and decide on the scheduling of a workshop meeting. Unless another date is selected by majority vote, workshop meetings shall be held on the third Tuesday of the month. Workshop meetings shall be for the purpose of comprehensive planning or for consideration of other matters not directly involving the issuance or denial of permits or approvals.

4.4 Special Meetings

Special meetings may be called by the Chair, or by a majority of the Board members, and notice of such meetings shall be served in person or left at the residence of each member of the Board at least 48 hours before the special meeting. Notice of special meetings shall be posted at the Town Hall and shall also be provided to local representatives of the media in accordance with 1 M.S.R.A. § 406.

SECTION 5. MEETING AGENDAS

5.1 Application [Amended 10/15/07]

The Chair shall determine the order of items on the agenda for any regular meeting of the Board. Applications will generally be considered on a first-come, first-served basis, but the Chair may direct staff to place items out of time sequence to facilitate the Board's conduct of business. No item (except for previously tabled items, which are submitted in

accordance with section 5.3 below) shall be in order for agenda consideration unless an application for such item has been filed at the Town Hall at least twenty-eight (28) days prior to the regular meeting, unless a Staff recommendation is received and it is approved by the Chair.

Applications considered by Planning Staff to be eligible for an administrative action shall be filed at the Town Hall at least fourteen (14) days prior to the regular meeting.

Applications shall be accompanied by application fees and all information required by the applicable ordinance or by checklists which may be developed by the Board, unless the applicant requests a waiver of required submissions where such waivers are permitted under the applicable ordinances. [Amended 2/26/01]

5.2 Finalizing the Agenda

At least fourteen (14) days prior to the regular meeting, the Chair shall determine the items that are in order for the final agenda. Upon consultation with Town staff, the Chair may cause any item for which incomplete submissions have been received to be removed from the agenda. The Chair shall direct Town staff to notify in writing the applicant and the abutters of any item removed from the agenda, stating the reasons for removal, and the conditions upon which said item might be resubmitted. [Amended 2/26/01]

5.3 Tabled Items [Amended 10/15/07]

Where applicants request an application be tabled prior to being heard by the Board, their agenda order and tabled status with respect to submission deadlines may be retained for one subsequent meeting. Applications tabled by the Board may retain their agenda order and tabled status with respect to submission deadlines for two subsequent meetings.

Subsequent information submitted by the applicant for tabled applications shall be filed at the Town Hall at least twenty-one (21) days prior to the regular meeting.

SECTION 6. CONDUCT OF MEETINGS

6.1 Commencement

The Chair shall call the meeting to order at the appointed time, cause the roll to be called, and determine whether there is a quorum. ~~being present, cause the minutes of the preceding meeting to be approved with or without amendment.~~ A quorum shall consist of at least four members of the board. No hearing or meeting of the board shall be held, nor any action taken, in the absence of a quorum. If a member has a conflict of interest, that member shall not be counted by the board in establishing the quorum for the matter in which he or she has a conflict.

If a quorum is present, the Chair shall cause the minutes of the preceding meeting to be approved with or without amendment.

6.2 Administrative Actions

With the approval of the Chair, town staff shall introduce a list of applications to be considered as either consent approval items or denial items. A vote to approve the list of administrative action items shall constitute Board approval or denial of the items based on town staff recommendations included with the list. [Amended 2/26/01]

- a. Approval Items - This action will apply to items on the Administrative Actions list of such nature that a public hearing is not required. Any board member, the applicant, or a member of the public may request that any item be removed from the list of consent approval items and treated as a regular agenda item. In such cases, the item(s) shall be heard before any regular agenda items. [Amended 2/26/01]
- b. Denial - This action will apply to items on the Administrative Actions list that have been improperly filed, are incomplete, or clearly not within the ordinance requirements as determined by staff review. In such cases, the applicant may request that the Board consider the application as a regular agenda item. A majority vote of the Board members shall be required to move the item to its proper order on the agenda as established in Section 5.1.

6.3 Public Hearings required by Municipal Reviewing Authority [Amended 2/23/09]

The Planning Board, in its capacity as the municipal reviewing authority, shall hold public hearings relative to any proposed zoning ordinance, zoning map, or amendment thereto as statutorily required by M.R.S.A. 30-A §4352. Public notice of said hearing shall be provided in compliance with state law and town ordinances.

- a. Procedure for Public Hearings
 - i. Public hearings under this section shall be held after administrative action items have been addressed and prior to consideration of items on the regular agenda.
 - ii. The Chair shall read the description of the item.
 - iii. The Chair shall open the public hearing and ask for public comment relative to the item. The Chair may set time limitations on public testimony and/or ask parties to consolidate or join testimony if their interests are substantially similar and such consolidation will expedite the hearing.
 - iv. The Chair shall close the public hearing.
 - v. The Chair will allow for Planning Board discussion of the item. The Board may choose to conduct deliberations on the proposed ordinance at the end of the Planning Board meeting in order to facilitate the processing of other business on the Board's agenda.
- b. Planning Board Recommendation - The Board shall deliberate on the administrative aspects of the proposed zoning ordinance, zoning map, or zoning amendment, and vote to recommend that the proposed ordinance, map, or amendment be approved, approved with revisions, or not approved.

- c. Report to Town Council – Town staff shall forward any public comment received and the Board’s input and recommendation to the Town Council.

6.4 Hearing Procedure

Consideration of agenda items shall be conducted according to the following procedures provided that these procedures may be waived or modified by a majority vote of the Board:
[Amended 2/26/01]

- (a) The Chair shall read the application as it appears on the agenda;
- (b) Prior to consideration of the agenda item before the Board, each Board member shall declare any potential conflict of interest to the Board with respect to that 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.
- (c) The applicant may address the Board to elaborate on his/her application;
- (d) Town staff members may be asked to address the submissions or any special considerations relating to the application;
- (e) The Chair shall ask for public comment for and against the proposal and shall permit cross-examination of witnesses as appropriate;
- (f) The Board members may direct questions through the Chair after each of the foregoing presentations;
- (g) The Chair shall close the public portion of the hearing, and the Board shall conduct its deliberations on the item;
- (h) The Board shall vote to approve the application with or without conditions, to deny the application, or to table the application.
- (i) ~~A motion that fails to receive a majority vote shall require a subsequent vote to approve, deny, or table the application.~~ Decisions on any matter before the board shall require a minimum of three affirmative votes. A tie vote, or favorable vote by less than three members, shall be considered a denial of the matter under consideration.

6.5 Meeting Length Limit

In order to ensure that all applications receive full and fair consideration, the Board must limit meeting lengths to reasonable hours. The Board will therefore not take up any new agenda items after 10:30 P.M. unless a majority of the Board has voted to do so at the

request of the Chairman. If no vote is taken by the Board to hear new items after 10:30 P.M., all remaining agenda items will automatically be tabled until the next month's meeting of the Board.

6.6 Requests for Tabling

At any time prior to or during a meeting, applicants can request that their item be tabled. If applicants request to be tabled, their application will be considered in the same order that it appeared on the prior month's agenda based on the date of original filing compared to other pending applications. [Amended 1/23/06]

SECTION 7. NOTIFICATION

The Chair shall direct Town staff to issue a notice of decision to each applicant stating the action of the Board on his/her application. The notice shall include all conditions of approval or grounds for denial of the application.

SECTION 8. AMENDMENTS TO RULES OF PROCEDURE

Amendment to these rules of procedure may be adopted at any time by the majority of all members of the Board and shall become effective immediately upon the approval of the Town Council.

SECTION 9. MISCELLANEOUS

9.1 Checklists

Checklists of required submissions may be developed by the Board to assist the applicant and to assist the Town staff in administering the ordinance under the Board's jurisdiction.