
Town of Waldoboro Planning Board Rules

OCTOBER 2002

SECTION 1. ESTABLISHMENT

Pursuant to Article IV of the Planning Board Ordinance of the Town of Waldoboro there are hereby created Rules of the Waldoboro Planning Board for which purpose they shall serve to enable the Planning Board to work clearly, effectively and impartially in carrying out the intent of said Ordinance. Officers of the Board shall consist of Chairman, Vice Chairman, and nonmember secretary. The terms "Chairman," "he," "his," and similar words are to be interpreted as gender-neutral.

SECTION 2. MEETINGS

A. REGULAR

The Board shall meet regularly on the second Wednesday of each month, unless the date falls on a holiday, in which case the meeting will be held the next following Wednesday. If warranted by the number of pending or newly submitted applications or by other business of the Board, a second regular meeting for the month may be called, typically for the fourth Wednesday of the month.

The meetings shall be held in the Waldoboro Town Office meeting room or such other time and place as the Board or Municipal Officers may designate.

B. SPECIAL

Special meetings may be called by the Chairman or when requested to do so by four members of the Board or by the Municipal Officers. Written notice of such meeting shall be served in person or left at the residence of each member of the Board at least seventy-two hours before the time for holding said meeting unless all members of the Board sign waiver of said notice. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such special meeting. In accordance with State Law, the press shall be notified of any special meetings in the same manner as Board members.

C. WORKSHOP

Informal workshop meetings shall be held regularly immediately prior to regular meetings and may be called as special meetings from time to time. Such meetings shall be held at the same location at which the Planning Board meeting is held. The purpose of

this type of meeting is to discuss business that may appear on the agenda of an immediate or future regular meeting of the Board or to discuss matters of Board administration or procedure. All workshop meetings shall be open to the public in accordance with State Law.

D. SITE WALK

Site walk meetings may be called by the Chairman or a majority of the Board for the purpose of allowing the Board and interested public to inspect the site of a pending proposal. Site walks are encouraged for all applications before the Board. The Vice Chairman is responsible for minutes of site walks. To ensure full and fair disclosure of Board actions to all members of the public, no formal motions shall be made nor votes taken at a site walk. Whenever possible, the time and place of site walks shall be set prior to adjournment of the Board meeting. Public notice shall be given of all site walks.

E. PUBLIC HEARING

Public hearings shall be at the discretion of the Board depending on the complexity of the proposed project and its effect on the neighborhood unless required by the applicable ordinance or statute. Public hearings shall be advertised in a local newspaper at least seven days prior to the meeting.

F. NOTICE

Notice of meetings shall be in writing and contain the items of business (agenda). The Code Enforcement Officer shall prepare the agenda and send notice upon approval of the Chairman.

G. QUORUM

A quorum shall consist of at least four members of the Board for the transaction of business.

SECTION 3. CONDUCT OF MEETINGS

A. GENERAL

1. The Chairman shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called and identify those members absent. A quorum being present, the Chairman shall cause the Minutes of the preceding meeting to be discussed and accepted by the Board, with or without amendments, and proceed to business. Copies of the Minutes will be available prior to the meeting.
2. The latest edition of Robert's Rules of Order shall be used as the procedural authority for the conduct of meetings, except as otherwise provided by State Law, Town

Ordinance, or these rules. In cases of procedural uncertainty, all such questions shall be resolved by the Chairman in a manner that most affords all members of the public a fair opportunity to be heard. All decisions of the Chairman are subject to a majority vote of the Board.

3. The Chairman shall declare all votes, but if any member doubts a vote, the Chairman shall cause a recount of the members voting in the affirmative and in the negative without debate. A record of all votes will be kept by the secretary of the Board.
4. When a question is under debate, the Chairman shall receive motions that shall have preference in the following order:
 - a. adjourn
 - b. for the previous question
 - c. to lay on the table
 - d. to postpone to a day certain
 - e. to refer to a committee or some administrative official
 - f. to amend
 - g. to postpone indefinitely
5. The Chairman shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.
6. Voting shall be conducted only on items included on the agenda of the meeting, except as allowed for reconsideration of all previous votes. A motion shall be passed only by the affirmative vote of a majority of Board members present and voting, except as otherwise provided in these rules, the Town's Planning Board ordinance, or Maine statutes.
7. After a vote is taken, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next regular meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall be final and the matter may not be considered further.
8. When the previous question is moved and seconded, there shall be no further amendment or debate; but pending amendments shall be put in their order before the main question. If a motion for the previous question fails, the main question and any pending amendments remain open for debate. To maintain the clarity of a question, each main question shall be limited to two amendments.
9. No debate shall be allowed on a motion for the previous question. No motion for the previous question shall be amended. All questions of order arising incidentally thereon must be decided by the Chairman without discussion.

10. Full public disclosure of the nature of any potential conflict of interest shall be made before discussion of each agenda item. The affected Board member should indicate in public to the Board whether he believes that he can hear and vote on the matter impartially. To a limited extent, members of the public shall also be allowed to comment on this matter at this time. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members present, except the member who is being challenged. In this determination the Board shall consider whether the alleged conflict is such that it:
 - a. may reasonably interfere with the affected member's ability to hear and act on the item impartially; and
 - b. whether it would give the appearance to the public of an inappropriate conflict of interest so as to undermine public confidence in the fairness of the meeting.
11. No agenda item will be taken up at a meeting after 10:00 p.m. The lateness rule may be waived for just cause by consent of the majority of Board members present.

B. MOTIONS

1. Every motion shall be reduced to writing by the secretary.
2. Any member may require the division of a question when it makes sense to do so.
3. All questions relating to the order of agenda items shall be decided without debate.

C. DECORUM AND ORDER

The Chairman shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Board. When a member is about to speak, he shall respectfully address the Chairman and confine himself to the question under debate. Personal issues must be avoided. No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

D. PUBLIC

Persons wishing to address the Board on an item that appears on the agenda shall wait until the Board considers such item. The Chairman may recognize a member of the public to speak to a particular question of the item under consideration. When a person is recognized by the Chairman he shall address the Board, shall state his name and address in audible tone for the record, and shall limit his remarks to the particular question under discussion. All remarks and questions shall be addressed to the Board as a whole and not to any individual member thereof. No member of the public shall interrupt the person having the floor.

E. RECORDS OF PROCEEDINGS

The votes for and against the passage of a motion shall be taken and entered upon the record of the Proceedings of the Board by the secretary. Minutes of all regular and special meetings of the Board, except workshop meetings and site walks, shall be kept by the secretary and shall take effect upon acceptance by the Board. An amendment by the Board of the minutes of a previous meeting shall not affect a previous vote of the Board.

SECTION IV - AGENDA PROCEDURE

- A.** The following procedures shall be followed in establishing the agenda for Planning Board meetings.
1. To be placed on the Agenda for a Planning Board meeting, the applicant must submit the following materials to the Code Officer:
 - a. Twelve (12) copies of the completed application form and supporting documents, with the signed original application on top,
 - b. Twelve (12) copies of the site plan and all supporting plans, stapled and folded together,
 - c. A letter of authorization, if the applicant is represented by an agent, and
 - d. The required application fees and consulting escrow deposit.
 2. All information shall be organized in packets containing one copy of all submitted material. The application form shall be the first item in the packet. Supporting documents should follow and all plans and other oversized material shall be folded to 9" x 12", with title displayed. Multiple plan sheets shall be stapled together.
 3. Only complete applications for which all required information (as set forth in the Land Use Ordinance) is submitted will be considered for placement on an upcoming Planning Board Agenda, and only after completion of the staff review with the exception of pre-applications, which will be scheduled at the end of a meeting on a time-available basis.
 4. The staff will review all complete applications and advise the applicant of any staff questions or concerns about the project and the number of revised plans and supporting material needed. (The staff review will take between 15 and 30 days, depending upon the complexity of the submissions.)
 5. Applications will qualify for agenda slots only when the Town has received a complete application following the staff review. Space on an agenda may not be reserved by a call, letter, or partial submission. Public Hearings are placed at the beginning of the Agenda. Items tabled at previous meetings will generally receive

scheduling priority over new applications, in order of how long each has been pending, and new applications will be placed on the Agenda on a first-come, first-served basis.

6. No new or revised documentary information shall be presented at the meeting.
7. Old business pending from previous meetings will receive scheduling priority over new business generally in order of the length of time each application has been pending. New final subdivision plan applications shall be considered new business. Certain business will always be afforded agenda priority over all other business, as follows:
 - a. Advertised public hearings.
 - b. Business tabled at the previous meeting because of lateness.
 - c. Requests for reconsideration of action taken at previous meeting.
8. New complete applications will be placed on the agenda on a first-come, first-serve basis. If more items qualify for scheduling than can be considered by the Board at a single meeting because of the number or complexity of previously scheduled items, then excess items will be carried over to be scheduled on the next regular meeting. Space on an agenda may not be reserved by a call, letter or partial submission. Applications will qualify for agenda slots only when the Town has received a complete application. Applications or projects of special significance to the Town of Waldoboro may receive scheduling priority on the Planning Board agenda at the discretion of the Town Manager.
9. The final recording mylar for any subdivision, site plan or private way plan may be signed by the Planning Board at a meeting only if the mylar and three (3) paper copies have been filed with the Planning & Development Department by noon one (1) week prior to a Planning Board meeting.

SECTION 5. MISCELLANEOUS

- A.** Absence or disability of Board Chairman - In the temporary absence or disability of the Board Chairman, the Vice Chairman of the Board shall be and is hereby designated as Board Chairman Pro Tempore.
- B.** The rules of the Board shall not be dispensed with or suspended unless at least four members of the Board consent thereto, except as otherwise specified herein.
- C.** No rule of the Board shall be amended or repealed without the Board giving notice of such action through the minutes, at the preceding meeting. Such amendment or repeal shall require the consent of at least four members of the Board.

- D. A Board member shall be counted absent from a meeting only for those items of business for which he is not present.
- E. Public availability of application materials - All written materials submitted to the Town for Planning Board review are public documents and, as such, are available for public inspection in the Planning & Development Department during normal business hours. At least one copy of each plan or document shall always be available for public inspection. Arrangements can be made to provide for copying of documents twenty-five pages or less at the Town's normal copying charge. Copies of longer documents or larger plans will have to be made by special arrangements with the Town staff. The Town will do everything reasonably possible to accommodate such requests subject only to maintaining at all times at least one copy of each submission document in the Department file.
- F. New member mentoring/training - The Code Enforcement Officer shall provide a packet of orientation materials for new Board Members and shall be available as necessary to assist new members in understanding the procedural and substantive duties of the Board.

APPROVED BY THE WALDOBORO PLANNING BOARD
October 9, 2002.

Members:

John Morris, Chairman

Carlo Bianchi

Charles Campbell

Dana Dow

Edward Karkow, Vice Chairman

Joanne Myers

William Yerxa, II