

RULES OF THE WINDHAM PLANNING BOARD

Revised: March 26, 2012
March 11, 2013
April 14, 2014
March 9, 2015
April 11, 2016
April 9, 2018
March 25, 2019
February 24, 2020

As outlined under Section 903, Authority and Administration, of Windham's Land Use Ordinance, as amended, the Planning Board consists of seven (7) full members and one (1) alternate member. All seven (7) full Planning Board members enjoy the same rights and privileges, including voting rights, regardless of any Planning Board office that they may hold. The alternate Planning Board member enjoys the same rights and privileges of a full member except that the alternate Board member may vote only in the absence of a full member or in those instances when a Planning Board member steps down from the Board due to a conflict.

The following Rules of the Windham Planning Board, herein known as the Rules, are the rules by which the Planning Board shall conduct its meetings.

A. Meeting Schedule

1. Regular Planning Board meetings shall be held on the second and fourth Mondays of each month at 6:30 PM in the Windham Town Hall, Town Council Chambers, or at such other location and/or time of which legal notice is given. All Planning Board meetings shall be conducted in accordance with Maine's Freedom of Access - Public Right to Know Law, as outlined under Title 1, M.R.S.A., Sections 401-410, as amended.
2. Special meetings and workshops may be called by the Planning Board Chair or Town Planner in conjunction with the Chair at their discretion, provided that twenty-four (24) hour notice is given to each Planning Board member. Unless proper public notice is able to be given, it will be a non-voting meeting.
3. A quorum is necessary to conduct any official meeting of the Planning Board, and a quorum shall consist of four (4) members. A majority vote of those members present and voting is required to constitute an action (passage or denial) on any motion before the Board, except that no final action shall be taken on an application without at least 3 concurring votes in favor of or in opposition to the motion. Should a Planning Board member need to step down due to a conflict once a quorum is established and a meeting is in session, the meeting may proceed and the Planning Board may take action on any motion before the Board with less than four (4) voting members present. In the event that less than four voting members are present, the applicant shall have the right to have a vote on an application postponed until the next Planning Board meeting.

4. Postponement of meetings, due to emergency, closing of Town Hall, weather conditions, or other acts of natural occurrence, shall be the responsibility and authorization of a minimum of two of the following, the Town Manager, the Director of Planning, the Assistant Town Planner, and Planning Board Chair or Acting Chair. The postponed meeting will be held at the next regularly scheduled Planning Board meeting, or other date scheduled by the Planning Board. Postponed scheduled agenda items will receive priority in the same order of scheduling at the next meeting. At the Planning Board's discretion, any scheduled meeting may be cancelled by a majority vote of those Board members present and voting.
5. Meetings that are cancelled because of the weather will be noted on the local cable channel (wccgtv7) or Channel 6. Meeting cancellations will be forwarded to these stations by 4:30 pm. Board members will be notified via email. Notice will also be sent out via the Windham e-Household notification system.
6. A tie vote results in postponement of the motion to the next meeting, not a failure of the motion. Only one (1) postponement for a motion is allowed. If the vote remains tied at the second vote, the motion fails.

B. Site walks

1. A project site walk may be scheduled for any subdivision and site plan applications. The need for a site walk will be determined by the Planning Board Chair and Planning staff.
2. Project site walks will be scheduled as needed for the Saturday before the second regular monthly meeting, the afternoon prior to a regular meeting, or on another day, as determined by Planning staff and the Planning Board Chair.
3. Prior to any site walk, the applicant must:
 - Mark the centerline of all proposed roadways
 - Mark corners of proposed lots
 - Mark corners of proposed buildings
 - The applicant must bring eight (8) 11 x 17 inch copies of the site plan to the site walk.
4. The applicant or the applicant's representative must be on site and walk with the Planning Board.

5. If any of the site walk requirements listed in B.3. and B.4. are not complete, the site walk may be canceled and rescheduled.
6. If the conditions of the site (such as snow cover, access issues to entire site) preclude the Planning Board from making an adequate judgment on characteristics of the site, the site walk may be rescheduled.

C. Agendas

1. Except as otherwise provided by law, the Planning Secretary (or the planner's designee) shall provide public notice of upcoming Planning Board meetings and public hearings as required by state law. In addition, the Planning Secretary shall post the agenda in the Windham Town Hall and the Town Website prior to the regularly scheduled meeting.
2. In order for any application to be placed on the agenda it must first meet all applicable criteria required by ordinance and noted on the most recent applicable checklist adopted by the Windham Planning Board.
3. Applications previously seen by the Planning Board that are not scheduled for public hearings will appear on a first come, first served basis, in the order in which they were deemed complete by the Town Planner.
4. The Town Planner (or the planner's designee) shall consult with the Chair to schedule the Planning Board's agenda.
5. The Planning Board shall have the right to make minor adjustments to the agenda upon majority vote of those Board members present and voting at any meeting.
6. The Planning Board agenda shall consist of the following categories:
 - Call to Order
 - Roll Call and Declaration of Quorum
 - Review and Approval of the Minutes of Previous Meetings

- Correspondence (if any)
 - Acknowledge all correspondence and note acceptance by filing into the public record. If correspondence pertains to a specific project before the Board, the Board may read the correspondence as part of the hearing, only if agreed to by the majority of the Board present. Any such correspondence shall become part of the record of the hearing.
 - Public Hearings and Presentations
 - See D.2 for procedures.
 - Any corresponding Continuing Business may be discussed directly following a Public Hearing.
 - Continuing Business
 - Items continued from public hearing, if needed.
 - Final Plans and Preliminary Plans, as well as Pre-application/Sketch Plans and Amended Plans that have already been in front of the Board, or do not need site walks.
 - New Business
 - New Business will consist of Pre-application/Sketch Plans and Amended Subdivision and Site Plans for which a site walk was held.
 - Administrative Matters/Other Business
 - Adjournment
7. If an application is not heard at a Planning Board meeting for which it is scheduled, the application will be given priority on the next Planning Board agenda.

D. Meeting Procedures

1. Findings of Fact shall be drafted by the Planner for Board review. The Board shall fill in missing information to complete the findings or add conditions of approval, if necessary. A motion shall be made to accept final Findings of Fact, and the motion must carry Board approval.
2. The following order of proceedings shall govern all Public Hearings conducted by the Planning Board:
 - Town Planning staff, followed by Town Department heads or their delegates/representatives, and other Town officials may introduce any correspondence, present reports, commentary, and recommendations.

- The applicant, or the applicant's representative(s), shall present opening statements regarding the project, including any plans, reports, testimony or other evidence.
 - Members of the public may offer evidence or statements relevant to the project under consideration after the Planning Board chair opens the public comment period.
 - The Planning Board may, at its discretion, limit testimony to a set time period and may, at its discretion, extend or modify this time period based upon a majority vote of those Board members present and voting.
 - After the initial public comment period, the Planning Board shall ask the applicant or the applicant's representative for answers to any questions raised during the initial public comment period.
 - Members of the public may then only respond to new issues raised by the answers or information provided by the applicant, the applicant's representative, or by the Town Planner or other Town Staff present. It shall be within the discretion of the Planning Board to determine whether additional public comment shall be allowed.
 - After responses to new issues have been completed and the public comment period of the Public Hearing is closed by the Planning Board Chair, the Planning Board will discuss issues raised at the public hearing and, if needed, the item will then be heard as Continuing Business.
 - Any other Public Hearings on the agenda will then take place. If there are no other Public Hearings scheduled, the Planning Board will move on to regular agenda items.
 - The Planning Board may choose to reopen the public hearing at a future date in cases where the Planning Board did not receive sufficient information from the applicant needs related to questions from the public. In this case, the application will be postponed. Public comment at a reopened public hearing will only be allowed on the specific issue(s) cited by the Planning Board Chair when the hearing is reopened.
3. No public comment shall be allowed during the Continuing Business or New Business portions of the meeting, except as requested by the Board.
 4. The Planning Board may direct questions to Town Staff, the applicant, the applicant's representative, or the public at any time.
 5. All exhibits, reports, photographs, or other evidence presented by an applicant, an applicant's representative, Town Staff, or by a member of the public shall be numbered and presented to the Planning Board

Chair in order to become part of the official record. The Planning Board shall not consider any exhibits, reports, photographs, or other evidence that is not submitted as part of the official record.

6. All requests by the Board to solicit third party review beyond Stormwater and Traffic review, or to request additional documentation for consideration, shall require the majority vote of the Board. If such vote is not approved, then no such action will be mandated by the Planning Board.
7. The Planning Board will review remaining agenda items at 10:00 pm and may decide not to consider any other items after 10:30 pm. Items not considered by the Board will be postponed until the next available Planning Board agenda.
8. New materials related to project review, such as simple submittals or follow-up answers to questions may be acceptable if no action is taken on the submittal at the meeting. Last minute waiver requests and more detailed submittals are not acceptable. Acceptance will be at the discretion of the Board.

E. Administration

1. A copy of these rules shall be provided to each applicant for subdivision, site plan or other development proposal consideration requiring Planning Board review and approval at the time applications are submitted or upon request of applicants thereafter.
2. These Rules shall be reviewed and adopted annually at the Planning Board's organizational meeting. These Rules may also be amended, suspended, or repealed by an affirmative vote of the majority of all members present and voting at any meeting. If the Planning Board fails to adopt rules at the annual organizational meeting, then the previously adopted rules shall remain in full force and effect.
3. The Planning Board shall nominate a Chair and a Vice Chair from their own membership at the first regularly scheduled meeting of each year after Town Council appointments to the Planning Board. This shall constitute the annual organizational meeting of the Planning Board. A Chair and Vice-Chair shall be elected by a majority vote of members present and voting at the organizational meeting. The officers will serve for one (1) year and will continue as officers until they, or their successors, are elected at the next organizational meeting.
4. No member of the Planning Board shall participate in the hearing or disposition of any matter in which said Board member has a conflict of interest, per the Windham Municipal Code of Ethics (Adopted May 28, 1991). Any question of whether a member has a conflict of interest sufficient to disqualify the member from voting thereon shall be decided by a majority vote of the members present and voting, except

the member who has declared a possible conflict or whose possible conflict is being examined. When such a vote results in a tie, the subject member shall be disqualified.

5. Roberts Rules of Order shall supplement the Rules of the Windham Planning Board, when necessary, and shall control those procedures not covered by the Rules. In all cases where parliamentary procedure questions arise in the conduct of the Planning Board's affairs, the most current edition of Roberts Rules of Order shall be taken as the source of authority to decide the orderly course of the proceedings, except as otherwise provided herein.
6. Minutes of the meeting, once approved, shall be posted on the website for public viewing.
7. Attendance – The Planning Board may, based on majority vote, submit a letter to the Town Council recommending that a member be removed after three (3) unexcused absences from regularly scheduled Planning Board meetings. A member may be excused from a meeting by notifying Planning Department staff or the Planning Board Chair of an illness or scheduling conflict in advance of the meeting. Only the Town Council has the authority to remove a member from the Planning Board for attendance.