

Planning Board Rules to Govern the Conduct of its Business

The Wells Planning Board, pursuant to §53-2 E of the Town of Wells Code, hereby establishes the following Rules:

1. **Purpose.**
The purpose of these rules is to govern the conduct of the Planning Board in its business. The rules shall not supersede or overrule the Town Ordinances, but are designed to provide guidance for the members of the public and the members of the Planning Board with regard to procedure, the conduct of meetings, and other business of the Board.
2. **Membership, Appointments Vacancies and Quorum.**
Membership, appointment, vacancies and quorum requirements are addressed in Chapter 53 of Code of the Town the Wells.
3. **Officers and Election.**
Election of Officers is addressed in Chapter 53 of the Code of the Town of Wells.
4. **Conflicts of Interest.**
Conflicts of Interest are addressed in Chapter 230, § 230-3(G) of the Code of the Town of Wells.
5. **Meetings.**
Meetings shall normally be held on the 2nd and 4th Monday of each month when there is business to conduct. Other meetings may be scheduled as necessary. The meeting date may change as a result of holidays or other reason. Notice of all meetings will be provided as required by law and all meetings are open to the public except as otherwise provided by law. The Planning Board will conduct its deliberations and make its decisions during a posted open meeting, although it is possible that it will not deliberate and decide at the same meeting where a plan has been presented or work-shopped.

Meetings shall generally begin at 7:00PM, and shall be conducted in the Town Office of the Town of Wells. The meetings of the Planning Board shall be recorded whenever possible, and shall be televised whenever practicable. In the event that the Planning Board schedules a workshop or other meeting earlier than 7:00PM, this shall also be open to the public, and shall be televised when practicable, but need not be recorded, nor minutes kept. The Chairperson in his/her discretion may delay the beginning of a scheduled Planning Board Meeting to allow the workshop to come to a conclusion.

In the event a public hearing is expected to attract a live audience whose number will exceed the capacity of the town office, arrangements will be made to hold the hearing and meeting elsewhere, although it will likely not be televised.

The Planning Board shall not meet beyond 10:00PM except, if during a meeting a member of the Board shall make a motion to extend the time of the meeting, and such motion passes, the Board may continue until the conclusion of the business then currently being discussed, but shall adjourn immediately after, and shall not take up further business.

Unless otherwise specified by law, the Code of the Town of Wells, or these Rules, the latest edition of Roberts Rules of Order shall govern the conduct of Planning Board meetings.

6. Executive Sessions.

Upon an affirmative vote of at least 3/5ths of the members present and voting, the Board may move to go into executive session for any purpose permitted by law. The reason for going into executive session must be stated in the motion and must be made in open session. The only matter(s) that may be discussed during executive session are those for which the session was called. No vote, application, regulation, or other action may be approved in executive session. Final action must take place in open session.

7. Agendas.

There shall be an agenda prepared by the staff of the Office of Planning and Development for each meeting of the Planning Board. This agenda shall be prepared in consultation with the Chairman of the Planning Board.

In order to be placed on a Planning Board Agenda, a complete application, together with all necessary copies, the application fee (if appropriate), and supporting documents must be in the Office of Planning and Development by the close of business on the Thursday which is ten (10) days prior to a regularly scheduled Planning Board Meeting.

**As an example, if a meeting is scheduled for Monday May 22, materials are due by the close of business on Thursday May 11.*

When the application has been assigned to an outside review entity, the Applicant shall, in addition to the copies required to be submitted to the Planning Office, supply the outside review entity directly with a copy of materials, and notify the Office of Planning and Development that s/he has done so. The same deadline for submitting materials to the Planning Office shall apply to materials submitted directly to an outside reviewing entity.

The Office of Planning and Development will place items on the agenda in the order in which they are received in the office and deemed to be complete or ready for review by the Board.

Final plans to be signed must be received by the Office of Planning and Development in the same manner as materials to be reviewed.

The Agenda will follow this format:

- Call to Order and Determine Quorum and whether the Associated Member shall vote
- Review and approval of Minutes
- Public Hearings
- Development Review and Workshops—which may include, but is not limited to the following items:
 - Receive applications
 - Conduct workshops on applications
 - Schedule site walks or other matters
- Review and approve Findings of Fact
- Other Business—which may include, but is not limited to the following items:
 - Discussion of ordinances
 - Matters from the Public
 - Matters from the Board of Selectmen
 - Matters from other Town Departments
 - Matters from the Office of Planning and Development

8. Public Hearings.

When there is a Public Hearing, said Public Hearing shall be conducted as follows:

- The Applicant will introduce him/herself, and make a brief presentation to the Board and members of the Public.
- At the conclusion of that presentation, members of the Public may address concerns about the application, or pose questions concerning the application to the Applicant, addressing those concerns or questions through the Chair of the Planning Board.
- Members of the Board and/or the Town Staff may ask questions or present information.
- The Chairman, in his/her discretion, may allow rebuttal by the Applicant, or may permit the Applicant to respond to questions that have been posed.
- At the conclusion of this process, the Chairman shall ask if there are any other matters for the Public Hearing. Once the Public Hearing has been closed, members of the public may not comment further, although they may submit evidence, argument or further questions in writing through the Office of Planning and Development to be made part of the official file.
- The Chairman has the authority to exclude irrelevant, immaterial or unduly repetitious testimony, documents or other evidence. The Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard.

9. Other Matters.

- A. Site Walks: Site Walks shall ordinarily be held on a Saturday or Sunday, or at the convenience of the board and shall be scheduled by

the Planning Board during a regular meeting of the Board. Notice of the walks shall be posted in the Town Office and on the Town Website. There is no quorum requirement for site walks. There shall be no site walks for any project during the months of January, February or March of any year; or when there is snow covering the ground so that in the opinion of the Planning Board, the purpose of the site walk would not be fulfilled; or when the weather is inclement on the day of the walk. The Applicant or his/her representative must be present for the site walk, or it will be cancelled. Site walks shall be open to the public and public comments are welcome. No substantive motions shall be made nor votes taken at site walks. Applicants will be required to flag or stake the proposed entrances and building corner locations prior to a scheduled site walk.

- B. Copies: The applicant shall supply all materials to the Office of Planning and Development: an original signed and complete application and 12 copies of that application; any original supporting documents and 12 copies of those documents; three full sets of plans no larger than 24" x 36" and no smaller than 18" x 24"; and twelve full sets of plans 11" x 17" in size.

10. Deadline for Extensions.

Requests for extensions of time to submit preliminary or final applications or to extend the time in which to provide materials for a subsequent step before the Planning Board must be received in the Office of Planning and Development at least three weeks (21 days) before the deadline for submission or action expires.

Extensions may be considered by the Board if the request for an extension appears on an agenda prior to the expiration of the time period sought to be extended. The Planning Board must act before any extension is granted. Normally a granted extension shall not exceed 30 days.

11. Decisions.

All decisions of the Planning Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall be come a part of the Planning Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits, shall constitute a public record.

Notice of any decision, if required, shall be given as prescribed by law.

The Planning Board may reconsider any decision within 30 days of its original decision, provided however, that both a vote to reconsider and any action taken pursuant to that vote shall occur and be completed within said 30 days.

Reconsideration should be for one of the following reasons: (1) the record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or (2) the Planning Board misapprehended applicable law or

ordinance, followed improper procedures, or acted beyond its jurisdiction. Notice of any reconsideration shall be given to any party within a reasonable time in advance of the reconsideration. The Planning Board may conduct additional public hearings and receive additional evidence and testimony as provided herein.

12. Appeals.

Any appeal from a decision of the Planning shall be made to the Superior Court as prescribed by the Code of the Town of Wells or by law.

13. Conflict with Laws.


Any conflict or inconsistency between these laws and any applicable law shall be resolved in favor of the law.

14. Waivers; Amendments.

Any provision of these Rules may be waived on any occasion by a majority vote of the Board unless otherwise provided by law. These Rules may be amended at any time in writing by a majority vote of the Board which shall become effective immediately.

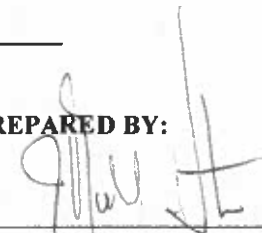
APPROVED: January 7, 2008

ACCEPTED BY:



Chuck Millian, Chairman of the Wells Planning Board

PREPARED BY:



J. Michael Huston, Director of Planning & Development