

TO: Planning Board Subcommittee
FROM: Natalie Thomsen, Planning Coordinator
DATE: April 28, 2025
SUBJECT: Planning Board Policies

Background:

At the Planning Board's request, staff have reviewed practices from several comparable Maine municipalities regarding Planning Board policies, specifically focused on:

- Postponing projects needing additional information
- Reconsiderations of previous Board decisions
- Submittal deadlines for Planning Board applications

Communities surveyed include South Portland, Brunswick, Lewiston, Portland, Kennebunkport, Falmouth, and others where relevant.

Summary of Research:

1. Postponements for Additional Information:

- Many Planning Boards, including South Portland and Brunswick, use a "postpone to a date certain" method when an application on an agenda needs additional information.
- The Board votes during the meeting to continue the application to a future meeting, specifying on the record:
 - The next meeting date.
 - Exactly what information or revisions are needed.
- This allows the project to be continued without requiring a new public hearing notice, provided the date certain is announced at the meeting.

2. Reconsiderations:

- Maine statute (30-A M.R.S.A. §2691) allows reconsideration of municipal land use decisions if the new vote occurs within 45 days of the original decision.
- Most Planning Boards, including Kennebunkport and Lisbon, require that a motion to reconsider:
 - Be made by a Board member who voted on the prevailing side.
 - Receive majority approval to proceed.
 - Occur within the 45-day window.

- Reconsiderations are discouraged unless significant new information or an error justifies it.

3. Submittal Deadlines:

- Auburn's Policies and Procedures should reference and align with the existing ordinance requirements in Sec. 60-1300, 60-1301, and 60-1303 of the City of Auburn Code of Ordinances.
 - These sections govern the timelines for application completeness review, department referrals, and scheduling Planning Board hearings, and should remain the controlling authority.
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Recommendations:

Based on this research, the following additions or clarifications are recommended for Auburn's Planning Board Policies and Procedures:

A. Postponements for Additional Information: *Add a new section specifically authorizing project continuations when the Board needs more information.*

Proposed Policy Language:

Postponement for Additional Information:

During the course of its review of an application, the Planning Board may determine that additional information, studies, or plan revisions are necessary in order for the Board to make a fully informed decision. In such instances, the Board may, by majority vote, continue the application to a future meeting on a date certain. The Board shall clearly state on the record:

- The future meeting date for continued review.
- The specific information, studies, or revisions requested from the applicant.

The applicant shall submit all requested supplemental materials in accordance with the deadlines outlined in the City of Auburn Code of Ordinances. Failure to submit the requested materials by the established timeline may result in further postponement or denial of the application.

B. Reconsiderations:

- Clarify that motions to reconsider must comply with Maine state law:
 - Initiated by a member who voted on the prevailing side.
 - Final action on the reconsideration must occur within 45 days of the original decision.
 - Reconsideration is discouraged except in cases of clear error or new information.

C. Submittal Deadlines:

- Reference Sec. 60-1300, 60-1301, and 60-1303 of the Auburn Code of Ordinances as the controlling standards for application completeness review, department referral timelines, and Planning Board scheduling. Ensure the Policies and Procedures document defers to these ordinance provisions.

D. Use of Robert's Rules of Order:

- In situations where these Policies and Procedures are silent on a procedural matter, the Planning Board may refer to and apply Robert's Rules of Order, Newly Revised, as a guide to govern its proceedings, provided that doing so does not conflict with applicable local, state, or federal law.

Conclusion:

These updates would bring Auburn's Planning Board Policies and Procedures more clearly into line with best practices across Maine municipalities, ensuring that the Board has clear authority to postpone projects needing additional work, to reconsider decisions only in limited and lawful circumstances, and to manage meeting materials in an organized and predictable manner.