

Jacqueline Sawyer

From: Eric Cousens <ECousens@auburnmaine.gov>
Sent: Monday, May 6, 2024 10:21 AM
To: Katherine Cook; John Blais
Subject: Fw: [External]RE: questions for Mark

Eric J. Cousens

Director of Planning and Permitting
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1154
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From: Mark A. Bower <mbower@jensenbaird.com>
Sent: Monday, May 6, 2024 8:48 AM
To: Eric Cousens <ECousens@auburnmaine.gov>
Subject: [External]RE: questions for Mark

Hi Eric,

My responses to the questions are below. Let me know if you would like to discuss further. Thanks.

-- Mark

Mark A. Bower
Attorney



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From: Eric Cousens <ECousens@auburnmaine.gov>
Sent: Friday, May 3, 2024 8:03 AM
To: Mark A. Bower <mbower@jensenbaird.com>
Subject: Fw: questions for Mark

Mark,

The opening remarks shared by Sally have raised a couple questions with the Board that we should clarify. Happy to chat if that is easier. Looking to have answers by 5/13 for the PB meeting.

Eric J. Cousens

Director of Planning and Permitting

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From: Katherine Cook <kcook@auburnmaine.gov>

Sent: Tuesday, April 30, 2024 2:39 PM

To: Eric Cousens <ECousens@auburnmaine.gov>

Subject: questions for Mark

Jackie captured this question on the opening remarks from the last planning board meeting:

1. The opening remarks indicate that the planning board takes 2 votes on items – the first to vote on the item as a whole and the second to vote on each finding. Are multiple votes required for each public hearing? Does the board need to agree on specific findings, or can folks vote for or against an item and specify different findings from their group members?

I believe the opening remarks document contemplates the two votes being (1) a vote on the merits (i.e., to approve or deny the application) and (2) a vote on the written findings to support that vote. We also typically recommend that the Board vote on each review standard (for example, site plan or subdivision review standards) individually. There must be a majority vote on each standard and the rationale for approval or denial as expressed in the decision. We typically do not see a “minority report” in written decisions.

2. Policies and procedures indicate that an item that has been voted on by the board may be brought up at subsequent meetings for reconsideration. If this is the case, can you provide clarity on reasons an item may be reconsidered/ revisited and who has the power to bring an item back to the board? Typically, a reconsideration would be in order in the event of an error or omission committed by the Board in adopting its decision. For example, reconsideration would be available if there were factual errors due to fraud or mistake regarding facts upon which the decision was based, or if the Board misinterpreted the ordinance, followed improper procedures or acted beyond its jurisdiction. If applying Robert’s Rules, a motion to reconsider must occur at the next regular meeting of the Board and must come from a Board member who voted in the prevailing side of the issue the first time. (That is, if it was a 4-3 vote, the motion to reconsider can only come from one of the 4 members who voted in the majority.)

Katherine Cook (she/her)

Planning Coordinator, City of Auburn

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