

## **Memorandum**

**Planning and Urban Development Department**

**Planning Division**

**To:** Carol Morrissette, Chair and Members of the Portland Planning Board

**From:** Barbara Barhydt, Development Review Services Manager

**Date:**  August 10, 2012

**Re: Request for Reconsideration of Cumberland County Civic Center**

**Meeting Date:**  August 14, 2012

1. REQUEST FOR RECONSIDERATION

On August 7, 2012, T.R. Quesada of Fore River Company, submitted a letter to the Planning Board requesting reconsideration of the Planning Board’s July 24, 2012 approval of the Cumberland County Civic Center site plan application. The letter is included as Attachment 1.

1. PLANNING BOARD RULES

The Rules of the Portland Planning Board (which are attached as Attachment 2) provides as follows with regard to requests for reconsideration:

Section 6. When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration.

Section 7. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year succeeding the Board's final action on the original item if the Board determines it to be in the same or substantially the same form.

Section 8. In the event of a tie vote, the matter shall be tabled to the next meeting, where it shall be considered as unfinished business.

1. ROBERTS RULES OF ORDER

Danielle West-Chuhta, Associate Corporation Counsel, reviewed Robert's Rules regarding Motions for Reconsideration and her comments are as follows:

Under Robert's Rules, if a Motion to Reconsider is taken up by the Planning Board, the question should be immediately stated before the entire Board and is debatable if the underlying decision is debatable (which it is in this case). See Roberts Rules of Order at p. 311. This debate can go into the merits of the question proposed to be reconsidered. See Roberts Rules of Order at p. 311. If the request for reconsideration is ultimately granted by the Board, the entire site plan application is back for review in exactly the same posture and with exactly the same record as it existed just before the Board’s initial vote. See Roberts Rules of Order at p. 318. As part of this review, the Board (in its discretion) can decide to take only public comment from anyone (even though he/she already provided evidence/comments to the Board previously) or take public comment from only people who haven't commented on the matter. The Board could also chose to take evidence and testimony on the whole application or limit the evidence and testimony to the issues raised by the abutter in its motion for reconsideration. See Robert's Rules of Order at p. 318.

IV. PROCEDURE

Based on the above, the Board can do as follows with regard to the request for reconsideration:

* Not take up or make a motion for reconsideration with regard to the Cumberland County Civic Center site plan application; or
* A member of the Board who voted in the majority on the Cumberland County Civic Center application could choose to make a motion to reconsider the Cumberland County Civic Center application, which would thereby place the matter in front of the Board for debate as to whether or not the motion for reconsideration should be granted. If the motion passes, the Board then needs to choose whether or not it wants to review the matter immediately or table it to a date certain.

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