

AS AMENDED BY AG – Sept 2021

SECTION 10.4 Planning Board

10.4 A. Associate Members

There shall be two associate members of the Planning Board as provided for under MGL c 40A, Section 9.

Appointments may occur at any time. The Planning Board shall notify the Select Board in writing of its intention to begin a process for associate member appointment.

The Planning Board will establish the process for soliciting and receiving the names of interested individuals; notice of the opportunity should be made broadly to the residents of Shutesbury. Given that the Planning Board is an elected body, individuals eligible to serve as associate members shall be registered voters in the Town of Shutesbury.

The Planning Board shall recommend individuals to be considered for appointment. Associate members will be appointed by a majority of the members of the Planning Board and the Select Board who are in attendance at a joint meeting for this purpose.

The term of an associate member shall be one year; mid-year appointments shall run through June 30. Associate members may have their term renewed by a majority of the members of the Planning Board and the Select Board who are in attendance at a joint meeting for this purpose. There shall be no limit to the number of renewals for an associate member.

The Planning Board chairperson may designate one or two associate members to participate as an acting member of the Planning Board at any time in the case of absence, inability to act, or conflict of interest, on the part of any Planning Board member; or in the event of a vacancy on the board. Participation by an associate member shall be time or purpose limited. Designation by the chairperson shall include a statement indicating the time period for participation or the purpose for participation. An associate member's participation shall end upon the completion of the stated purpose or time period, unless extended by the chairperson.

When designated, an associate member may participate fully in procedures for a special permit, including but not limited to conducting hearings of the Planning Board.

Associate members are expected to regularly attend Planning Board meetings. When not acting as full members, associate members may be seated with the Planning Board and receive communications in order to follow Planning Board business. Associate members, when not acting as full members, may participate in deliberation at the discretion of the chairperson. When not acting as a full member of the Board, associate members may not vote nor participate in executive session.

Vacancies for unexpired terms of an associate member shall be filled in the same manner as for original appointments.

An associate member may be considered for a vacancy on the Planning Board in accordance with the normal process for filling a vacant position.

DESCRIPTION FOR HEARING AND TOWN MEETING

Among its duties as a regulatory body, the Planning Board develops new zoning bylaws and conducts public hearings to review proposed projects; the latter usually requires a two-thirds vote of the membership. In some situations, such as the review of a special permit, public hearings can span many months, requiring consistent participation by members. If the Planning Board is unable to have adequate representation during a public hearing, approval can be automatic regardless of the merit of the project. While there has been longstanding concern among the Planning Board about having insufficient participation given the extended duration of some public hearings, this concern is more urgent given the possibility of five simultaneous special permits being submitted and reviewed for likely solar developments.

To rectify the situation, Planning Board is proposing a Zoning bylaw amendment that would allow two Associate Members to supplement the seven elected members. State law allows for up to two Associates. State law allows towns to determine many of the details of Associate membership.

The proposed bylaw will make the Associate Members appointed positions, serving one-year, renewable terms. Associate Members must be registered voters of Shutesbury (which is required of elected members). Associate members will actively participate in decisions only after the designation by the Chair and only in the case of absence, inability to act, or conflict of interest, on the part of any Planning Board member; or in the event of a vacancy on the Planning Board. Participation by an associate member will always be time or purpose limited. When not acting as full members of the Board, Associate Members will have limited role and involvement although they are expected to regularly attend Planning Board meetings and may be allowed to participate in deliberations.