

DESCRIPTION OF PROPOSED ZONING BYLAW AMENDMENT REGARDING ASSOCIATE MEMBERS

The current section 9.3B specifies that there will be two elected alternates to the Planning Board who may act on special permits when the Planning Board fulfills its role as a Special Permit Granting Authority (SPGA). This section will be removed. A new section, 10.4, which will be more accurate and comprehensive regarding two appointed associate members (the statutorily accurate title) will be added. The associate members will fulfill the same role for special permit processes, but who will also have broader powers to address other occasional needs of the Planning Board. By establishing broader powers for the associate members beyond their special permit role, it is more appropriate to make the insertion of new language into Article X which addresses administration of the Zoning bylaws.

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.