



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board
From: Community Development Department (CDD) Staff
Date: June 25, 2024
Re: **Planning Board Rules for Associate Members**

IRAM FAROOQ
*Assistant City Manager for
Community Development*

SANDRA CLARKE
*Deputy Director
Chief of Administration*

Overview

In consultation with the Law Department, staff have identified an issue with the current Planning Board Rules regarding Associate Members that should be amended to better align with Mass. General Laws Chapter 40A, Section 9 and a determination from the Massachusetts Office of the Attorney General (attached) regarding the role of associate members on planning boards.

Draft Revision

The attached draft would revise the rules to clarify that Associate Members are authorized to vote on matters related to special permits in place of Members who are unable to serve, but not authorized to vote on other matters before the Board. Associate Members would still attend meetings and participate in other discussions as non-voting members.

We recommend that the Planning Board consider the attached amendments for adoption at its next meeting.

Amend Sections 2.1 (definition of ASSOCIATE MEMBER), 3.1, and 8.1 of the Planning Board Rules as follows:

Section 2 Definitions

2.1 [...]

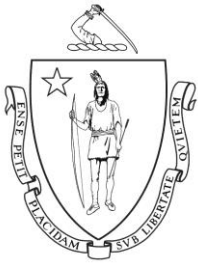
ASSOCIATE MEMBER is an appointee to the Board who only has authority to vote on a Special Permit Application when a Member is absent, ~~or~~ disqualified from voting on that application, or in the event of a vacancy on the Board; ~~an Associate Member has full voting authority on all other matters before the Board.~~

Section 3 The Planning Board

3.1 The Planning Board is appointed by the City Manager consistent with the provisions of Chapter 2.68 of the Cambridge Municipal Code. Five Members or Associate Members of the Board will constitute a quorum of the Board for Special Permit applications, amendments to Special Permits and any other matters related to Special Permits. Four Members ~~or Associate Members~~ of the Board will constitute a quorum for all other matters. Except as otherwise provided in Section 6.16, the Cambridge Zoning Ordinance or Chapter 40A of the General Laws of Massachusetts, when a quorum is present the Board can act by majority vote of the Members and Associate Members (when applicable) voting.

Section 8 Zoning Petitions

8.1 The procedure for public hearing on and consideration of a zoning petition is essentially the same as that set out for a Special Permit in Section 6 above, with the following exceptions: Members ~~or Associate Members~~ may vote on the recommendation to be made with respect to the petition whether or not they have been present at all public hearings on the petition. A simple majority of a quorum of the Board is sufficient to send a recommendation on a zoning petition to the City Council.



THE COMMONWEALTH OF MASSACHUSETTS
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September 29, 2021

Grace Bannasch, Town Clerk
Town of Shutesbury
P.O. Box 264
Shutesbury, MA 01072

**RE: Shutesbury Annual Town Meeting of June 12, 2021 - Case # 10256
Warrant Articles # 14 and 15 (Zoning)**

Dear Ms. Bannasch:

Article 14 – We approve Article 14 from the Shutesbury Annual Town Meeting of June 12, 2021 except for text in the proposed by-law that conflicts with G.L. c. 40A, § 9 because it authorizes associate planning board members to act on matters other than special permit applications.

The proposed by-law authorizes the appointment of two associate members of the planning board to “participate fully in procedures for a special permit, site plan review, or any other application before the Planning Board, as well as other procedural matters designated by the chairperson...” (Section 10.4A, Associate Members) (emphasis supplied). We disapprove and delete the underlined text because it conflicts with G.L. c. 40A, § 9 that authorizes associate planning board members to serve only when the planning board is reviewing special permits:

Zoning ordinances or by-laws may provide for associate members of a planning board when a planning board has been designated as a special permit granting authority.

Section 9, paragraph 11.

Because the statute only authorizes the service of associate planning board members when a planning board is serving as a special permit granting authority, the Town may not extend the authorization to review of site plans and other applications, and we disapprove and delete the underlined text. Apart from the underlined text, the proposed by-law is consistent with the requirements of G.L. c. 40A, § 9.

Article 15 - We approve Article 15 from the June 12, 2021 Shutesbury Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

MAURA HEALEY
ATTORNEY GENERAL

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cc: Town Counsel Donna MacNicol