

Massachusetts House of Representatives Bill Summary

Bill #: H.2300

Title: An Act relative to local option for associate members of planning boards

Sponsor: Rep. Kristin Kassner

Committee: Municipalities and Regional Government

Hearing Date:

Prior History: H.3555 OTP (2023-2024)

Current Law: MGL Chapter 40A, Section 9 governs the issuance of special permits. The eleventh paragraph currently authorizes cities and towns, by ordinance or by-law, to provide for associate members of a planning board when a planning board has been designated as a special permit granting authority. If a planning board has five members, then one associate member may be authorized. If they have more than five members, then two such associate members may be authorized. The city or town determines the procedure for filling the position of associate member(s). In the case of absence, inability to act, conflict of interest on the part of a planning board member, or if a vacancy exists, the chair of the planning board may designate an associate member to sit on the board for purposes of acting on a special permit application.

Chapter 41, Section 81A governs the establishment of planning boards, membership, tenure, and procedures for filling vacancies.

Summary: Section 1 of the bill deletes from the Zoning Act language which governs the provision of associate members on planning boards.

Section 2 amends the law governing planning boards by allowing cities and towns to provide by ordinance or by-law for associate members to sit on the planning board in the case of absence, inability to act, or conflict of interest on the part of any member of the planning board, or if a vacancy exists on the board. The chair of the board could designate an associate member to sit on the board for purposes of acting on any matter under its jurisdiction including Chapters 40A, 41A or under home-rule powers.

This legislation would have the effect of expanding the ability of cities and towns to designate associate members of their planning boards, regardless of whether the planning board acts as the permit granting authority.