Truro Charter Review Committee

Elected and Appointed Boards
Research Report on the Planning Board

Working Draft
May 25, 2022

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REVISION LOG

April 24, 2022  Added Appendix L

April 28, 2022  Added Appendix M, N, and O
               Improved table of contents
               Clarified some small points in the text
               Formatted pages

May 25, 2022   Added Appendix P (MMA Research Notes)
Truro Planning Board

Introduction

The Charter Review Committee (CRC) has been studying the Truro Planning Board since 2019, and even before, in order to advise the citizens and the Select Board about whether it is best to maintain an elected Planning Board, or to change to one appointed by the Select Board.

Below are the current results of this study, which remains ongoing at the request of the Select Board.

This study is in draft form, and updated as new material becomes available or the Committee members are able to summarize and present existing material. These updates are made available to the public in the interest of the public having a clear understanding of the Committee’s progress in this research, and in hopes of eliciting adding public feedback in the process.

Information on Truro’s Planning Board

Truro’s Planning Board has been elected for decades.

It consists of 7 members, each elected for 5-year terms. Elections are staggered such that typically 1 or 2 members are elected each year.

Like many elections in the Commonwealth, and especially in smaller towns, elections are not highly contested.

Truro has had the position of Town Planner in existence for at least 10 years. The Town Planner is a full-time town employee, and reports to the Town Manager, and provides part-time support to the Planning Board.

Planning Board Purpose

The Planning Board’s purpose, as stated on the Town website:

The Planning Board is responsible for administration of the Subdivision Control Laws as set forth in Massachusetts General laws Chapter 41 and the Truro Rules and Regulations Governing the Subdivision of Land.

The Planning Board also is the Special Permit Granting Authority for Communication
Structures, Wind Generators, Large-Scale Ground-Mounted Photovoltaic Arrays and Affordable Accessory Dwelling Units and the Board issues permits for Temporary Signs.

For other towns’ statements of purpose, see Appendix A.
For relevant MA General Laws, see Appendix B.

Study Methodology

The CRC has used several sources of information to explore this topic. These include:

- Data provided by Truro’s previous Town Planner
- A table of attributes of boards from the Collins Institute, UMass Boston
- Interview with Truro’s current Town Planner
- A report of the work done by the Town of Ipswich on a very similar topic
- Survey results from members of the Truro Planning Board

CRC Recommendations To Date – Study Is Ongoing

On November 22, 2021, the Truro Charter Review Committee voted, in the majority: That the CRC recommend to the Select Board that the 4 committees we studied at the request of the public (Planning Board, Cemetery Commission, Zoning Board of Appeals, and Board of Health) all remain with their current manner of filling seats as outlined in the charter.

On March 1, 2022, the Truro Charter Review Committee voted unanimously to amend the prior motion to read: That the CRC recommend to the Select Board that the 4 committees we studied at the request of the public (Planning Board, Cemetery Commission, Zoning Board of Appeals, and Board Health) all remain with their current manner of filling seats as outlined in the charter until such time as the CRC finds information to warrant a change with respect to any one or more of said committees during our continued study of each board on an individual basis.

On March 30, 2022, the Truro Charter Review Committee voted in the majority: to deny support for a petitioned warrant article requesting a change in the Planning Board from elected to appointed, which will be on the warrant for the 2022 Town Meeting.

1 See Appendix C for “Collins Attributes”
2 Report dated January 2019. Full report is available as Appendix J.
Planning Boards in other Towns

The previous Town Planner, J. Ribiero, assisted the CRC in surveying Cape and Island towns to see which were Planning Boards elected and which were appointed.

On the Cape and Islands, 21 towns have a town meeting form of government similar to Truro’s. One town, Barnstable, has a town council form, one town, Wampanoag Tribe of Gay Head, has a tribal form, and one town, Gosnold, has just a few inhabitants, and these were excluded from the analysis as not being comparable to Truro.

These results are summarized below (with additional details in Appendix L):

<table>
<thead>
<tr>
<th></th>
<th># Towns</th>
<th>% Elected</th>
<th>% Appointed</th>
<th>Elected</th>
<th>Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape</td>
<td>14</td>
<td>43%</td>
<td>57%</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Cape &amp; Islands</td>
<td>21</td>
<td>62%</td>
<td>38%</td>
<td>13</td>
<td>8</td>
</tr>
</tbody>
</table>

Ipswich Study

Based on the report done by the Town of Ipswich in 2019, which cited results from a survey of towns with 22 responding revealed that of those 78% have elected Planning Boards.

According to that same 2019 report, a 2018 survey by MA planners, of the 146 cities and towns that have Town Planners, 70% have elected Planning Boards; 30% have appointed Planning Boards.

<table>
<thead>
<tr>
<th></th>
<th># Towns</th>
<th>% Elected</th>
<th>% Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Responds</td>
<td>22</td>
<td>78%</td>
<td>22%</td>
</tr>
<tr>
<td>Cape &amp; Islands + Survey</td>
<td>43</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>MA Planners</td>
<td>146</td>
<td>70%</td>
<td>30%</td>
</tr>
</tbody>
</table>

To make this data more visual, each of these samples are depicted as a pie chart, with **green** being the percent elected and **yellow** being the percent appointed. The size of the pie chart is proportional to the number of towns in that sample of data.

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3 From the 2019 report: “Of the 22 towns that responded to the survey, 78 percent have elected Planning Boards. According to a 2018 survey by MA planners, of the 146 cities and towns that have Town Planners, 70 percent have elected Planning Boards; 30 percent have appointed Planning Boards.”
Legend: [ELECTED]  [APPOINTED]

<table>
<thead>
<tr>
<th>Cape</th>
<th>Cape &amp; Islands</th>
<th>Cape &amp; Islands + Towns Surveyed</th>
<th>MA with Town Planners</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 towns</td>
<td>21 towns</td>
<td>43 towns</td>
<td>146 cities and towns</td>
</tr>
</tbody>
</table>

Larger sample sizes are associated with greater statistical significance\(^4\).

**Other Towns Recent Experiences (5 years or so).**

Very few towns seem to change their Planning Board’s method of election or appointment. Occasionally a change does come up for a vote, and a few instances that have been found are documented below.

- Ipswich voted to keep their Planning Board appointed.
- Grafton voted to keep their Planning Board elected. One resident said, “When a board is appointed by selectmen, they lose their independence.”\(^5\)

**Terms and size of Planning Boards**

Planning Boards range in size from 5 to 9 members, with terms of 3 or 5 years.

\(^4\) [https://hbr.org/2016/02/a-refresher-on-statistical-significance](https://hbr.org/2016/02/a-refresher-on-statistical-significance)

Massachusetts General Laws⁶:

A planning board established hereunder shall consist of *not less than five nor more than nine members*.... the members of the planning board under this section shall be elected or appointed for terms of such length and so arranged that *the term of at least one member will expire each year*, and their successors shall be *elected or appointed for terms of three or five years* each as determined by the city council in the case of a city and by the town meeting in the case of a town.

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⁶ [https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81a](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81a)
Survey Results of Truro Planning Board

In September 2021 a survey was constructed consisting of 19 questions. The complete survey is included as Appendix F.

The first 9 questions were derived from the Collins attributes and turned into user-friendly survey questions to elicit the opinion of the responding board member as to the attribute. The survey questions were generally phrased with a 1 to 5 response, or “high” to “low” response as appropriate. The middle response, 3, was a neutral response whereas the highest (5) and lowest (1) responses represented a strong opinion on that attribute one way or the other. A response of 2 or 4 represented a less strong or weaker opinion on that attribute.

These surveys were then distributed to 4 boards/committees using the online Survey Monkey application. These surveys were numbers #1, #2 and so forth based on receipt.

The planning board members returned 4 surveys and those are included here as Appendix G. These 4 surveys are #4, #5, #8 and #9.

Survey Data Analysis

One could analyze the first 9 questions (or Collins attributes) and color code them to reflect the answer provided on each question, with Green being used to signify an answer supporting election per the Collins attributes, and Yellow being used to signify an answer supporting appointment. See Appendix H for sample analysis details.

A stronger opinion represented by an answer of 5 or 1 was given twice the weight of an answer that was a weaker opinion with a 4 or 2.

An answer that supports election could be given a positive weight⁷, whereas an answer supporting appointment could be given a negative weight. A middle answer (or answer of 3) is a neutral opinion and could be given a score of 0.

In this way each of the questions / attributes could be summed to see how that survey’s answers leaned in the aggregate: a positive sum leans toward election, and a negative sum leans toward appointment⁸.

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⁷ Positive and Negative weights do not imply “good” or “bad” but are just a mathematical convention that enables scores on individual attributes to be weighted and summed.

⁸ The most extreme score possible would be, on the one hand, to have all 7 relevant attributes answered most supportive of election, which would be 7 x 2 for a weighted sum score of +14; or, on the other hand, to have all 7 attributes answered most supportive of appointment, which would be a 7 x 2 for a weighted sum score of -14.
The 4 survey results are summarized on the table below:

<table>
<thead>
<tr>
<th>Survey</th>
<th>Weighted Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>#4</td>
<td>+4</td>
</tr>
<tr>
<td>#5</td>
<td>+4</td>
</tr>
<tr>
<td>#8</td>
<td>+1</td>
</tr>
<tr>
<td>#9</td>
<td>-3</td>
</tr>
<tr>
<td>Average</td>
<td>+1.5</td>
</tr>
</tbody>
</table>

This can be seen graphically in the illustration below, where the survey # is inside the circle representing that survey, and the combined results of that survey determine where on the spectrum line from elected to the left and appointed to the right that survey appears.

The average of all 4 surveys is shown as a vertical arrow.

Results of 4 Planning Board Surveys based on Collins Attributes

Appendix H contains Survey #5’s summary of responses and illustrates in detail the application of these attributes and weighting based on strength of response.
Appendix A – Other Towns’ Statements of Purpose

Other towns’ statements of purpose are of interest. Many are repetitive and similar, but selected ones that represent a spectrum will be presented here.

[ work in progress ]
Appendix B – M.G.L. Summary of Planning Boards Responsibilities

Mass General Laws regarding responsibilities of Planning Boards

Excerpted from MGL Part 1, Title VII, Chapter 41, Sections 70 and 81A-GG:

The planning board shall:

• make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants.
• from time to time make careful studies and when necessary prepare plans of the resources, possibilities and needs of the city or town
• report annually to the city council or to the annual town meeting, giving information regarding the condition of the city or town and any plans or proposals for its development and estimates of the cost thereof
• make a master plan of such city or town or such part or parts thereof as said board may deem advisable and from time to time may extend or perfect such plan. Such plan shall be a statement, through text, maps, illustrations or other forms of communication, that is designed to provide a basis for decision making regarding the long-term physical development of the municipality. The comprehensive plan shall be internally consistent in its policies, forecasts and standards, and shall include the following elements: [...]
• adopt, and...may, from time to time, amend, reasonable rules and regulations relative to subdivision control.
• [approve any subdivision plan] if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable.

Town meeting... may adopt an official map, prepared under the direction of such planning board and showing the public ways and parks therein as theretofore laid out and established by law and the private ways then existing and used in common by more than two owners. Such official map is hereby declared to be established to conserve and promote the public health, safety and general welfare.

A full download of Massachusetts General Law is contained in Appendix N.

9 https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81a
https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81B
Appendix C – Attributes from Collins

More on Attributes from Collins

Additional information on the Collins attributes are readily available via Google at

https://content.civicplus.com/api/assets/26824f7e-f00d-4d5f-bcb6-5ea352e6d350?cache=1800

Collins Attributes

The attached list of attributes appears on the page(s) below.
<table>
<thead>
<tr>
<th>CRITERIA SUPPORTING A POSITION OR BOARD BEING ELECTED</th>
<th>CRITERIAL SUPPORTING A POSITION OR BOARD BEING APPOINTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>It has significant policy-making responsibility</td>
<td>It has minimal policy-making responsibility</td>
</tr>
<tr>
<td>It has few ministerial responsibilities and tasks whose performance is guided almost entirely by statute</td>
<td>It has many ministerial responsibilities and tasks whose performance is guided almost entirely by statute</td>
</tr>
<tr>
<td>Someone with little training or expertise in its area of work could quickly and easily become effective in the work</td>
<td>Someone with training or expertise in its area of work would have significant difficulty in performing the work effectively, potentially creating significant risks for the community</td>
</tr>
<tr>
<td>Its role and tasks are easily and widely understood by the public</td>
<td>Its role and tasks are complicated and not easily and widely understood by the public</td>
</tr>
<tr>
<td>The nature of the position or board's role makes it relatively simple for the public to evaluate the performance of its non-policy-making duties (for example efficient use of Resources, etc.)</td>
<td>The nature of the position or board's role makes it relatively difficult for the public to evaluate the performance of its non-policy making duties</td>
</tr>
<tr>
<td>The position or board is helpful as a check or balance against another Center of power in the community</td>
<td>The position or board is not needed as a check or balance against another center of power in the community</td>
</tr>
<tr>
<td>It is not critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials</td>
<td>It is critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials</td>
</tr>
<tr>
<td>PUBLIC UNDERSTANDING OF WORK</td>
<td>PUBLIC'S ABILITY TO EVALUATE NON-POLICY PERFORMANCE</td>
</tr>
<tr>
<td>CHECKS AND BALANCES</td>
<td>COLLABORATION WITH OTHER OFFICIALS</td>
</tr>
</tbody>
</table>
In the particular community in question, election for the position historically produces a very competitive race between highly qualified candidates.

CONTESTED ELECTIONS

In the particular community in question, election for the position historically produces little or no competition and few or no highly qualified candidates.
Appendix D – Ipswich Study Description

Ipswich Study Description

Short surveys about the strengths and weaknesses of election or appointment were sent to 43 Massachusetts towns and were followed up with interviews. All 43 have population of 10,000 to 15,000 and Open Town Meeting. Town Clerks or Planners responded from 22 towns.

Study Conclusion

The study concluded with the section titled: ULTIMATELY, WHAT DECISION IS THE RIGHT ONE? That section included commentary on pages 4-5:

One respondent was very clear that an elected Board has more “perceived” power. It is more confident in its obligation to the people, feels the authority to do the job. But basically, it’s all perception. Whether the Board is elected or appointed, there will be zoning bylaw changes.

John Petrin again: “Many people believe that planning and zoning are important and they want to believe in the elected official system to protect them. To me, the final say ends up being Town Meeting in the end.” (email, 11/18/18)

One planner whose town has a strong feeling for resident control of government wrote, “If the method chosen does not have high public support then it will likely fail. We have seen that happen when it has been discussed on whether to change methods of selecting certain officials in the past.” And another had advice: “Every community has its own culture and way of governing. To thine own culture be true.”

Complete Study

The complete Ipswich study is readily available at https://www.ipswichma.gov/DocumentCenter/View/11488/Planning-Board-elected-or-appointed

or by Google search on “planning board elected” or “planning board appointed”

For convenience it is attached hereto as Appendix J.
Appendix E – Town Planner Interview

Truro Town Planner Interview – October 12, 2021

“So I don’t think it’s a function of whether it’s appointed or elected.”

Bob Panessiti
But as it relates to the planning board, I look at this and say, well, Barbara, if you could help us understand this criteria we have in terms of how in your experience as a planner, working with planning boards, is there a check and balance that we should be mindful of?

What do you see here? And I'm not asking you to render a decision, just kind of walk us through maybe the criteria and where you see the relevance on either side of the column. Again, not putting you on the spot to draw a conclusion, just the relevance of the data we're looking at.

Barbara Carboni
Sure. And if I could just preface any comments, this will be based on sort of years of experience as municipal council, not necessarily as planner the whole time.

So, I tend to start with statutory responsibilities and work from there because that's the way I see things. So I don't know if you want to lead or the chair wants to lead the discussion through each of the particular criteria here. And then we can comment or just ask me, wants me to offer just general comments, just to start with however, the chair wants to proceed.

Brian Boyle
I think general comments are helpful.

Barbara Carboni
Okay. So I will start with, with the checks and balances I guess because I start with the boards and I'm thinking mostly of the regulatory boards, the planning board in particular.

I don't see a planning board as the function and I, I'm not sure it's correct to put a planning board in the position of serving as a check or balance against whatever the select board are pursuing.

I just don't think it really fits what their role is under the statute, which is two roles, really, which is their authority as approving subdivision plans or approval not required
plans. Where there are really specific statutory criteria for that and their role as, sort of fermenting ideas and bringing ideas for zoning bylaw changes to town meeting.

I don't see either of those functions as really needing to, or appropriately framed as balancing another center of authority. So that's sort of my initial comment on that. And I guess the other general comment is, I have seen really great elected boards, with really good leadership and really great service to the town.

And I've seen elected boards. I'm not talking about this town, but elected planning boards elsewhere that didn't have those qualities. I've seen appointed boards be great. I've seen appointed boards just sort of stumble along.

So I don't think it's a function of whether it's appointed or elected.

It's always going to be dependent on the people. And if you have an elected board, you may come up, if there is a tradition or if there can be a tradition of competitive races, that can be a good thing. But I guess I just don't, I always start with what is their statutory authority, and how can you get good people into those positions of exercising that authority.

So, my general comments.

**Brian Boyle**
Thank you. That's helpful. One thing that Truro has that's different than a lot of other towns is that we have a small number of candidates at all times, because we're a small town. I imagine you go to a town like Newton and you can find three candidates for every position. In Truro you're lucky to find one because we just don't have the number of people.

So it always come down to the quality of the people and their skills, right?

**Barbara Carboni**
And you may, I mean, I guess I don't want to speak about in this town in particular, but you may get really bright people.

And there is some benefit to having a variety of opinions or different kinds of expertise, whether it's appointed or elected. So just, it depends. Sometimes it depends.

**Bob Panessiti**
Brian, if I could through you just a quick question. So I think something that was just said about everything you just said, I think it's something I've been saying for three years now, which gets lost in the shuffle of, of noise.
And that's that, you know, we shouldn't be making decisions on elected versus appointed, or really anything in the charter about what's happening today. It really needs to be, for example, you don't like the elected people. Well, that doesn't mean the election process is incorrect. You know, and that's why we have elections.

So, I think that's important, I guess. So, with that in mind, you know, understanding that this is, you know, the longevity, the gravitas document, when you, in your experience, I'm going to put you on the spot a little bit, again, not, not reflective of anyone today, or, elected versus appointed, but in your opinion, working with planning boards professionally, you know, the section here about, you know, required training or expertise, do you think, maybe help me understand, you know, is that something that the average Joe or Jane can step into and be effective, or is that, do you see that as an impediment, that would require more vetting through an appointment process?

Barbara Carboni
So the training item required training or expertise, and any citizen is motivated, can be trained.

I don't like to think of these positions as you know, the province of people who already know about it, you have, you have put me on one of my soap boxes, which is the law. The law belongs to everyone. You know, it belongs to everyone and anybody who is motivated, can get up to speed.

So, I don't like that criterion at all.

Brian Boyle
You know, it's my observation on Truro. Having lived in other towns in Massachusetts that are much larger. Is that Truro has a very competent citizenry. We have a lot of smart people in Truro, you know, that, and because of our size, I think they're more committed to Truro than they would be.

I know I am as a small town, more committed to Truro than I was when I lived in Weston or something, you know, or Belmont or someplace like that. So, I think we may be small, but we're smart. And we're motivated.

That shows that we're thin, you know, we have vacancies in our committees because we just don't have the numbers, but by and large, we get really good people.

Barbara Carboni
Right. And I guess there should be no assumptions about what people can and can't understand, you know, there's a kind of elitism about that, that troubles me.
So, that's just a point I would tuck away somewhere, you know, there's, there's all sorts of ways to learn about, responsibilities under the statutes that the planning board administers, can be done in-house it can be done through training. You know, there are a couple of organizations to do training, you know, KP law can come talk to people.

So I just, I would, well, I'm repeating myself.

Bob Panessiti
Fair enough.
Appendix F – Survey Instrument

Survey Instrument

[ work in progress ]

[ additional description ]
Town of Truro - Board and Committee

Survey questions are below.

Please indicate a rating of 1-5, with 5 being the highest for the answers below. If in doubt, please use comments section.

1. This board serves as a check and balance with any board, committee or community entity. If so, kindly list here.

   1 2 3 4 5
   ○ ○ ○ ○ ○

Boards/Committee with which we serve as a check and balance

2. This board has primarily administrative responsibilities and tasks whereby performance is guided almost entirely by statute

   1 2 3 4 5
   ○ ○ ○ ○ ○
3. It is critical to the effective and efficient functioning of government for this Board or Committee to cooperate regularly with other Town officials.

   1  2  3  4  5
   ○  ○  ○  ○  ○

   Other (please specify)
   

4. The charter, roles and tasks of this Board are easily understood by the general public.

   1  2  3  4  5
   ○  ○  ○  ○  ○

   Other (please specify)

5. It is relatively simple for the public to evaluate the performance of this Board?

   1  2  3  4  5
   ○  ○  ○  ○  ○

   Other (please specify)
6. The work of your Board or Committee directly responds to applications or requests submitted by residents of the Town of Truro.

1 2 3 4 5

☐ ☐ ☐ ☐ ☐

Please list what kinds of applications or requests you reference above

7. Level of impact this Board has on shaping or making policy

Low level High level

☐ ☐ ☐ ☐ ☐ ☐

Other (please specify)

8. Level of relevant experience and or relevant knowledge needed to serve as an effective Board Member

Low level High level

☐ ☐ ☐ ☐ ☐ ☐
9. Degree of training needed to become an effective member of this Board

Low level       High level
○ ○ ○ ○ ○ ○

10. How many positions are included as part of your Board or Committee and how many positions are currently vacant?

11. Is your committee or Board currently Appointed or Elected?

○ Appointed  ○ Elected

12. Is your Board or Committee Statutory?

○ Yes  ○ No
13. Anything else you would like to share?

14. Which Boards are Committees do you interact with the most? Please list no more than three.

15. Please list up to three short term objectives of this Board or Committee

16. Could you kindly list short (2 year) and longer term (3-5 year) priorities?
Short term

Long term
17. Kindly describe the general nature of your work.

18. How many new members have joined your Board or Committee in the past three years?

19. How many members have left your Board or Committee in the past three years?
Appendix G - Planning Board Member Survey Responses

Planning Board Member Survey Responses: #4, #5, #8, #9

[ work in progress ]

[ additional summary ]
Page 2: Survey questions are below.

Q1  
This board serves as a check and balance with any board, committee or community entity. If so, kindly list here.

Q2  
This board has primarily administrative responsibilities and tasks whereby performance is guided almost entirely by statute

(no label) 3

Q3  
It is critical to the effective and efficient functioning of government for this Board or Committee to cooperate regularly with other Town officials

(no label) 3

Q4  
The charter, roles and tasks of this Board are easily understood by the general public

(no label) 5

Q5  
It is relatively simple for the public to evaluate the performance of this Board?

(no label) 5

Q6  
The work of your Board or Committee directly responds to applications or requests submitted by residents of the Town of Truro.

(no label) 4
Q7
Level of impact this Board has on shaping or making policy

(no label) High level

Q8
Level of relevant experience and or relevant knowledge needed to serve as an effective Board Member

(no label) High level

Q9
Degree of training needed to become an effective member of this Board

(no label) (no label)

Q10
How many positions are included as part of your Board or Committee and how many positions are currently vacant?

Respondent skipped this question

Q11
Is your committee or Board currently Appointed or Elected?

Elected

Q12
Is your Board or Committee Statutory?

Respondent skipped this question

Q13
Anything else you would like to share?

Respondent skipped this question

Q14
Which Boards are Committees do you interact with the most? Please list no more than three.

accountant-town clerk

Q15
Please list up to three short term objectives of this Board or Committee

Respondent skipped this question
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Q16</strong></td>
<td>Respondent skipped this question</td>
</tr>
<tr>
<td><strong>Could you kindly list short (2 year) and longer term (3-5 year) priorities?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Q17</strong></td>
<td>Respondent skipped this question</td>
</tr>
<tr>
<td><strong>Kindly describe the general nature of your work. Feel free to provide details on any major projects you have undertaken to help clarify or provide additional information around your duties.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Q18</strong></td>
<td></td>
</tr>
<tr>
<td><strong>How many new members have joined your Board or Committee in the past three years?</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Q19</strong></td>
<td>Respondent skipped this question</td>
</tr>
<tr>
<td><strong>How many members have left your Board or Committee in the past three years?</strong></td>
<td></td>
</tr>
</tbody>
</table>
Page 2: Survey questions are below.

Q1
This board serves as a check and balance with any board, committee or community entity. If so, kindly list here.

(5)
Boards/Committee with which we serve as a check and balance: Select Board, ZBA, THA

Q2
This board has primarily administrative responsibilities and tasks whereby performance is guided almost entirely by statute

(3)

Q3
It is critical to the effective and efficient functioning of government for this Board or Committee to cooperate regularly with other Town officials

Other (please specify): Communicate, collaborate would be more accurate than cooperate. Cooperate implies following their lead

Q4
The charter, roles and tasks of this Board are easily understood by the general public

(3)
Other (please specify): I think the the limits of the Planning Boards discretion are often not understood
### Q5
It is relatively simple for the public to evaluate the performance of this Board?

- **2**
  - The decisions of the Board on specific projects involve weighing sometimes conflicting interests (individual vs community). At the same time the Board is bound by local and state regulation

#### Other (please specify):

- **2**
  - The decisions of the Board on specific projects involve weighing sometimes conflicting interests (individual vs community). At the same time the Board is bound by local and state regulation

### Q6
The work of your Board or Committee directly responds to applications or requests submitted by residents of the Town of Truro.

- **5**
  - Subdivision applications, ANR - Approval Not Required for a subdivision of land, Site Plan Review for Commercial projects and Site Plan Review for Residential Projects in the CCNS. Also telecommunication facilities

#### Please list what kinds of applications or requests you reference above:

- **5**
  - Subdivision applications, ANR - Approval Not Required for a subdivision of land, Site Plan Review for Commercial projects and Site Plan Review for Residential Projects in the CCNS. Also telecommunication facilities

### Q7
Level of impact this Board has on shaping or making policy

- **(no label)**
  - (no label)

#### Other (please specify):

- **(no label)**
  - Planning Board can develop and recommend changes to zoning bylaws. Board also conducts public hearings on all proposed zoning bylaw changes proposed through citizen petitions or other boards

### Q8
Level of relevant experience and or relevant knowledge needed to serve as an effective Board Member

- **(no label)**
  - (no label)

### Q9
Degree of training needed to become an effective member of this Board

- **(no label)**
  - (no label)

#### Other (please specify):

- **(no label)**
  - member needs to be willing to learn the bylaws and how to apply them. This can be done in a variety of ways
Q10
How many positions are included as part of your Board or Committee and how many positions are currently vacant?
7 seats, 0 alternates, 0 vacancies

Q11
Is your committee or Board currently Appointed or Elected?
Elected

Q12
Is your Board or Committee Statutory?
Yes

Q13
Anything else you would like to share?
The Planning Board functions well as an elected body. It serves as a good balance with the smaller Select Board. Making the Board appointed would allow 3 Select Board members (whatever their point of view) to have enormous influence over the direction of the Town. Having both Boards elected can and should yield better results for the town - although it can be messy.

Q14
Which Boards are Committees do you interact with the most? Please list no more than three.
Climate Action, Select Board, Board of Health

Q15
Please list up to three short term objectives of this Board or Committee
1. Look at potential bylaw changes to a) increase housing diversity integrating this work with the LCPC & b) address various impacts of climate change
2. Revise Planning Board Handbook to make it more useful tool for all members.
3) Continue to make application process clearer and easier for applicant, Planning Board & Town staff
Q16
Could you kindly list short (2 year) and longer term (3-5 year) priorities?

Short term
1) Pass at least 1 bylaw to increase housing diversity and 1 to address climate change. 2) Develop more constructive relationship with Select Board 3) Develop recruitment approach for potential new members. 4) Review & revise map of Truro Districts including overlay district with goal of supporting housing diversity while protecting environment.

Long term
Operate in close communication and collaboration with other Board including but not limited to: Climate Action Committee, Board of Health, Conservation Commission, Select Board, Housing Authority. 2) Have regular process to review existing bylaws for potential changes based on needs of Truro. 3) Have more formal ongoing training/professional development for Board members.

Q17
Kindly describe the general nature of your work. Feel free to provide details on any major projects you have undertaken to help clarify or provide additional information around your duties.

The Board has 2 major functions:
1) Reviewing & making decisions on specific projects as well as providing input to other Boards when appropriate (i.e. to ZBA regarding Cloverleaf Project)
2) Planning - including proposing bylaw changes, reviewing town map and district definitions, Carving out time to do proactive planning work is a significant challenge. It takes significant time & research to develop new bylaws. (ex. we are working with Climate Action to address carbon sequestration - this could yield a bylaw addressing lot coverage &/or replacing vegetation after construction or ...)

Q18
How many new members have joined your Board or Committee in the past three years?
3 of 7

Q19
How many members have left your Board or Committee in the past three years?
3
Page 2: Survey questions are below.

Q1
This board serves as a check and balance with any board, committee or community entity. If so, kindly list here.
(no label) 3

Q2
This board has primarily administrative responsibilities and tasks whereby performance is guided almost entirely by statute
(no label) 3

Q3
It is critical to the effective and efficient functioning of government for this Board or Committee to cooperate regularly with other Town officials
(no label) 3

Q4
The charter, roles and tasks of this Board are easily understood by the general public
(no label) 1

Q5
It is relatively simple for the public to evaluate the performance of this Board?
(no label) 2
Q6
The work of your Board or Committee directly responds to applications or requests submitted by residents of the Town of Truro.

(no label) 3

Q7
Level of impact this Board has on shaping or making policy

(no label) High level

Q8
Level of relevant experience and or relevant knowledge needed to serve as an effective Board Member

(no label) (no label)

Q9
Degree of training needed to become an effective member of this Board

(no label) (no label)

Q10
How many positions are included as part of your Board or Committee and how many positions are currently vacant?

7

Q11
Is your committee or Board currently Appointed or Elected?

Elected

Q12
Is your Board or Committee Statutory?

Yes

Q13
Anything else you would like to share?

Respondent skipped this question

Q14
Which Boards are Committees do you interact with the most? Please list no more than three.

Select, zba
Q15
Please list up to three short term objectives of this Board or Committee

Housing

Q16
Could you kindly list short (2 year) and longer term (3-5 year) priorities?

<table>
<thead>
<tr>
<th>Short term</th>
<th>Long term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing</td>
<td>Climate change</td>
</tr>
</tbody>
</table>

Q17
Kindly describe the general nature of your work. Feel free to provide details on any major projects you have undertaken to help clarify or provide additional information around your duties.

Respondent skipped this question

Q18
How many new members have joined your Board or Committee in the past three years?

3?

Q19
How many members have left your Board or Committee in the past three years?

3?
Page 2: Survey questions are below.

Q1
This board serves as a check and balance with any board, committee or community entity. If so, kindly list here.

(no label) 2
Boards/Committee with which we serve as a check and balance: Planning Board

Q2
This board has primarily administrative responsibilities and tasks whereby performance is guided almost entirely by statute

(no label) 3

Q3
It is critical to the effective and efficient functioning of government for this Board or Committee to cooperate regularly with other Town officials

(no label) 3

Q4
The charter, roles and tasks of this Board are easily understood by the general public

(no label) 2

Q5
It is relatively simple for the public to evaluate the performance of this Board?

(no label) 2
Q6
The work of your Board or Committee directly responds to applications or requests submitted by residents of the Town of Truro.

(no label) 3

Q7
Level of impact this Board has on shaping or making policy

(no label) (no label)

Q8
Level of relevant experience and or relevant knowledge needed to serve as an effective Board Member

(no label) (no label)

Q9
Degree of training needed to become an effective member of this Board

(no label) (no label)

Q10
How many positions are included as part of your Board or Committee and how many positions are currently vacant?
0

Q11
Is your committee or Board currently Appointed or Elected?

Elected

Q12
Is your Board or Committee Statutory?

Yes

Q13
Anything else you would like to share?

The town and the select board have used the planning board as it's punching bag

Q14
Which Boards are Committees do you interact with the most? Please list no more than three.

Respondent skipped this question
Q15
Please list up to three short term objectives of this Board or Committee
streamlining clarifying and consistency

Q16
Could you kindly list short (2 year) and longer term (3-5 year) priorities?

Q17
Kindly describe the general nature of your work. Feel free to provide details on any major projects you have undertaken to help clarify or provide additional information around your duties.
review applications and comprehension

Q18
How many new members have joined your Board or Committee in the past three years?
2

Q19
How many members have left your Board or Committee in the past three years?
2 how many planners?
Appendix H - Analysis of Survey Response by Attributes

By way of illustration, the details of this analysis of a survey are shown here for Survey #5. Other survey analyses are not include for brevity, but can be made available online.

[ work in progress ]

[ additional description ]
### CRITERIA SUPPORTING A POSITION OR BOARD BEING ELECTED

**Q7**
- **high**
- It has significant policy-making responsibility

**Q2**
- 1
- It has few ministerial responsibilities and tasks whose performance is guided almost entirely by statute

**Q8,9**
- **low**
- Someone with little training or expertise in its area of work could quickly and easily become effective in the work

**Q4**
- 5
- Its role and tasks are easily and widely understood by the public

**Q5**
- 5
- The nature of the position or board's role makes it relatively simple for the public to evaluate the performance of its non-policy-making duties (for example efficient use of resources, etc.)

**Q1**
- **5**
- The position or board is helpful as a check or balance against another center of power in the community

**Q3**
- 1
- It is not critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials

### CRITERIA SUPPORTING A POSITION OR BOARD BEING APPOINTED

**Q7**
- **low**
- It has minimal policy-making responsibility

**Q2**
- 1
- It has many ministerial responsibilities and tasks whose performance is guided almost entirely by statute

**Q8,9**
- **high**
- Someone with training or expertise in its area of work would have significant difficulty in performing the work effectively, potentially creating significant risks for the community

**Q4**
- 5
- Its role and tasks are complicated and not easily and widely understood by the public

**Q5**
- 5
- The nature of the position or board's role makes it relatively difficult for the public to evaluate the performance of its non-policy-making duties

**Q1**
- **5**
- The position or board is not needed as a check or balance against another center of power in the community

**Q3**
- 1
- It is critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials
Appendix J – Ipswich Study Reprint

This appendix contains the complete Ipswich Study from 2019

9 pages follow
Planning Board: elected or appointed?
A report for the Government Study Committee by Diane Young,
January 2019

1. REQUEST FOR STUDY
Article 18 of the Annual Town Meeting of May 8, 2018, a citizen’s petition, sought to amend the Charter so that the Planning Board would be elected by the registered voters rather than appointed by the Town Manager. The motion failed. A number of opponents said they preferred to wait for the Government Study Committee’s “recommendations.”

2. THE PLANNING BOARD
The Planning Board consists of 5 regular members and one associate member. The Town Manager appoints regular members to 5-year terms and the associate member to a 2-year term.

Past changes: in 1938, it was voted that the Planning Board be elected at the Annual Town Meeting. In 1963, it was voted that the Planning Board be appointed by the Board of Selectmen.

The Planning Board’s purpose, as stated on the Town website:

The Ipswich Planning Board is authorized under the Massachusetts General Laws to regulate the laying out and construction of ways in subdivisions, conducting site plan review, and certain special permits, with the goal of ensuring the safety, convenience and wellbeing of the present and future residents of Ipswich. To accomplish this goal, the Board also collaborates with residents, business owners, other boards and departments, institutions and others to write and implement transportation, land use, economic development and other plans, regulations and policies. The Board is responsible for reviewing special projects, such as scenic road alterations.¹

For other towns’ statements of purpose, see Appendix A. For relevant MA General Laws, see Appendix B.

3. SURVEY
Short surveys about the strengths and weaknesses of election or appointment were sent to 43 Massachusetts towns. All 43 have population of 10,000 to 15,000 and Open Town Meeting. Town Clerks or Planners responded from 22 towns. Follow-up conversations, or further emailed questions, ensured with a dozen of those.

The 22 survey responses are available separately.

4. AREAS OF CONCERN FOR ELECTION/APPOINTMENT
What problem(s) was the warrant article trying to solve?
Three issues were mentioned by the author of the warrant article: accountability, longevity, and the pool of candidates. At Town Meeting, she said the intent was to “move control over what happens in this town back in people’s hands.” At the Select Board’s hearing on the warrant, she made these comments:

“There are some boards and committees who have people on for a really long time,” Kloub said. “They kind of get stale. I want to see more people stepping forward,” she argued, adding the old members

¹ https://www.ipswichma.gov/418/Planning-Board
“kind of get in a rut and have a narrow focus.” Appointees staying in those positions also discourage potential new members from putting their names forward, Kloub said.  

**Accountability: whose concerns does the Board represent?**

There is a perception that an appointed Planning Board represents the views of the appointing authority. In Ipswich, “Selectperson Linda Alexson said she voted in favor of the proposal because the board’s current setup reflects the vision of the town manager and town planner.”

Grafton recently voted to keep their Planning Board elected. One resident said, “When a board is appointed by selectmen, they lose their independence.”

**Longevity/turnover: what is desirable? Which method promotes “good” longevity?**

The learning curve for Planning Boards is tough, especially for new members who have never attended a Planning Board meeting. Board members need to learn the rules and regulations, be able to effectively converse, and know the right questions to ask. One planner says he is “fortunate to have longtime members.” His town’s terms are five years—a short term is dangerous, giving the impression that something is going on. With a long term, there’s no “get me on the Board, get this thing done, and then I’m gone.”

From anecdotal evidence, there are some very long tenures on both elected and appointed boards. I heard from 6 towns (4 elected, 2 appointed) who had some members serving since the 1990s.

While Ipswich had three members turn over between 2015 and 2019, Topsfield (elected) had only one new member in that time. Topsfield said, “It’s not advantageous to have turnover.” Ipswich’s Planning Board chair spoke at the Select Board’s warrant hearing: *Members typically serve a two-year associate term followed by a five-year commitment, she said. Ideally they start as an associate,* Paek noted. “It’s not typical that anybody goes beyond into a second stint,” she said.

**Pool of candidates: which method encourages participation?**

Many survey respondents spoke of the difficulty of getting volunteers, whether elected or appointed. Wayland (pop 13,000) has difficulty attracting people to run. The Planner recruits people, perhaps starting them off on a related committee. Belchertown (pop 15,000) has to cajole, but has never gone an election without a candidate.

In terms of contested races, in Topsfield (pop 6,000), candidates are “typically unopposed.” The 2018 ballot, for instance, had one candidate. In Hanover (pop 14,000), generally, the race is contested if there is no incumbent, especially for shorter terms to fill vacancies. However, the town has had at least two ballots with no candidates. One successful write-in had 22 votes; another had 41. Write-ins have also been elected in Rowley (pop 6,000): in 2018, with no candidate on the ballot, the successful write-in received 10 votes.

Re competition for appointments, data on the number of applications was not readily available.  

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3 [http://thelocalne.ws/2018/05/10/ipswich-planning-board-to-remain-appointed-for-now/](http://thelocalne.ws/2018/05/10/ipswich-planning-board-to-remain-appointed-for-now/)


Balance of skill sets, residential areas, genders
In her opposition to the warrant article, the Planning Board chair cited the variety of professions represented on the Board, the distribution of in-town and rural residents, and the mix of genders as a positive outcome of appointment.

A planner who worked with both kinds of boards said that both have “absolutely” had a good variety of skills. Belchertown (elected) has always had a good variety on the Board: lawyers, builders, engineers, people with planning degrees.

Grafton’s charter review commission proposed changing the Planning Board to elected because it requires more technical skills now.

Politization: competing views
Is the Planning Board simply an adjudicatory entity? The current chair of Ipswich’s Board thinks so. On Town Meeting floor she said, “The Board’s duty is to the zoning bylaw, not to a constituency or to an agenda.”

In a similar vein, another town’s planner wrote: “Elected Boards are more likely to feel beholden to a particular group of voters, and more likely to not care about careful attention to rules or laws. They tend to abstain (which is equivalent to voting NO) to avoid approving a controversial project, often placing the community in a legally tenuous position.”

However, Belchertown’s planner says that the master plan is always a policy issue. “Regulatory work like zoning and permits is not really the major emphasis of the Board, although we spend a lot of time on them.” He added, “A policy-oriented board should be elected as it can be more representative.”

Another planner supports elected boards because they have “independence from political influence from an appointing body.”

According to a planner who has worked for both elected and appointed Boards, “during times of big or controversial projects new members will come on without any real interest in planning and for one issue only. They may run to be on the Planning Board with their own agendas, which makes looking long term at the big picture difficult because they are not always engaged. Although not very common, appointed members can be removed for various reasons for an appointing authority but elected members can only be removed by the voters.”

A second planner who worked for both elected and appointed Boards wrote: “Elections for regulatory bodies gives impression of regulation as a choice rather than requirement; for instance, unpopular, yet consistent and by-right subdivision is denied under political reelection pressure, Town is still liable for denial that is arbitrary and capricious.”

Andover recently rejected an effort to make their Planning Board elected. The resident who submitted the Town Meeting article contested the idea that adjudication can be unbiased: “I have heard that whether it is an appointed or an elected planning board, the interpretation of bylaws is exactly the same and the outcome of Elm Street [subdivision] would have been the same,” Ciampa said. “That’s entirely untrue. We have been very public in the interpretation of bylaws. There were a lot of subjective developments.”

Andover’s Planning Board chair was reported to say that “in elections, candidates are often asked to take a stance on issues by voters. If a Planning Board candidate were asked to give an opinion on a development before going through the Planning Board process, the developer or neighbors to the
project could claim in litigation that they did not receive a fair hearing because that board member had already publicly made their stance known beforehand.”

**Relationship with Select Board**

A number of survey respondents reported conflict between the Planning Board and the Select Board, e.g., friction on the time it takes to issue a decision. One planner who has worked for three elected Planning Boards said that support from both boards on a particular topic is rare, and that having both elected causes too much confusion.

John Petrin, Town Administrator, Burlington, MA and MMA Past President, wrote that appointed Planning Boards “would be prone to work with Selectmen on the big policy picture. Too often, there seems to be friction between Selectmen and PB’s. Larger towns may have a PB that is elected but the staff reports to the town manager. That certainly helps with the coordination.” (email, 11/18/18)

**Impact on planning staff**

It may be worthwhile to explore whether electing the Planning Board would have an impact on the work of Planning Department staff. Harwich’s planner wrote: “Generally when it is an elected Board, the Town Planner is ‘employed’ by that Board and does not have the ability to work on other town projects. With an appointed Board the Town Planner works for the Town Administrator/Manager and works with the Planning Board. The Town Planner is ‘free’ to work with other Boards and Committees and on other projects.”

**5. GENERAL GUIDELINES FOR ELECTION OR APPOINTMENT**

From Bernard Lynch, Paradigm Associates (consultant for Ipswich town manager search):

The principles for appointed rather than elected include the following:

- Limited policy-making responsibilities.
- Primarily performing administrative responsibilities largely guided by laws and regulations.
- Requiring specialized qualifications to perform the functions of the position.
- The required qualifications are such that an absence would expose the Town to substantial risk.
- The functions of the position require regular and consistent cooperation and coordination with other functions of local government.
- Voters cannot easily determine the proper functioning of the position.
- Little to no electoral competition for positions.

**6. ULTIMATELY, WHAT DECISION IS THE RIGHT ONE?**

Of the 22 towns that responded to the survey, 78 percent have elected Planning Boards. According to a 2018 survey by MA planners, of the 146 cities and towns that have Town Planners, 70 percent have elected Planning Boards; 30 percent have appointed Planning Boards.

One respondent was very clear that an elected Board has more “perceived” power. It is more confident in its obligation to the people, feels the authority to do the job. But basically, it’s all perception. Whether the Board is elected or appointed, there will be zoning bylaw changes.

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6 [https://www.andovertownsman.com/news/selectmen-take-no-stance-on-elected-planning-board-article/article_ebd12cd7-ed2c-5f40-ad0a-1820802dfb5c.htm](https://www.andovertownsman.com/news/selectmen-take-no-stance-on-elected-planning-board-article/article_ebd12cd7-ed2c-5f40-ad0a-1820802dfb5c.htm)

John Petri again: “Many people believe that planning and zoning are important and they want to believe in the elected official system to protect them. To me, the final say ends up being Town Meeting in the end.” (email, 11/18/18)

One planner whose town has a strong feeling for resident control of government wrote, “If the method chosen does not have high public support then it will likely fail. We have seen that happen when it has been discussed on whether to change methods of selecting certain officials in the past.” And another had advice: “Every community has its own culture and way of governing. To thine own culture be true.”

7. OPTIONS WITHIN ELECTION OR APPOINTMENT

Terms and size of board: Mass General Laws: A planning board established hereunder shall consist of not less than five nor more than nine members. The members of the planning board under this section shall be elected or appointed for terms of such length and so arranged that the term of at least one member will expire each year, and their successors shall be elected or appointed for terms of three or five years each as determined by the city council in the case of a city and by the town meeting in the case of a town. Any member of a board so established in a city may be removed for cause, after a public hearing, by the mayor, with the approval of the city council.

Nominations: Wilbraham’s process calls for the Town Democratic and Republican Committees to nominate candidates for Planning Board (and other elected positions) at their annual caucuses. Those names automatically appear on the ballot.

Qualifications: Would it be advantageous to include qualifications in the charter or bylaw? Is that legally possible?


Associates/alternates: Towns have one and two-year terms, and the positions may be elected and appointed.

Vacancy appointments: The Mass General Laws dictate how vacancies shall be filled: A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term, in a city, in the same manner as an original appointment, and, in a town, if the members of the board are appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.

Charter language: sample language from Hopkinton:

Section 4-3: Planning Board
(a) Composition, Term of Office - There shall be a Planning Board consisting of nine (9) members elected for a term of five (5) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties - The Planning Board shall have those powers and duties that have been given to Planning Boards by the Massachusetts General Laws, by this Charter, by Town Bylaw or by Town Meeting vote.

8 https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81a

9 https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81a
(c) Appointments – The Planning Board may appoint a Town Planner, in accordance with the Personnel Policies of the Town. The Planning Board shall annually set goals for the Town Planner with input from the Town Manager.

**Transitioning to an elected board:** The chair of Ipswich’s Planning Board commented that the warrant article was not clear on what would happen to the current Board. Here is Andover’s proposal: “Town officials, however, said that turning the entire Planning Board over next spring could throw off quorum votes on special permit processes that take months. Ciampa submitted an amendment to his article that added a three-year transition process during which two of the six Planning Board members would be elected every year, until the town had a fully elected Planning Board by 2021. The amendment was approved.”

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Appendix A: Purpose/mission of Planning Board from other towns

Phillipston:
To provide for conscientious and orderly land use development through Comprehensive Planning, Subdivision Control and Zoning Bylaw and Zoning Map review.

To develop and implement land use development and growth management regulations consistent with the goals and policies of the Town.

To protect the natural resources, safety and aesthetic character of the Town through environmental impact and design review/site plan review and the issuance of special permits pursuant to the Zoning Bylaw.

Wilbraham:
The Planning Board is responsible for overseeing land use planning in the Town of Wilbraham. Working in close cooperation with the Planning Director and the Building Inspector / Zoning Enforcement Officer, the Planning Board studies the resources and needs of the Town, particularly conditions affecting public welfare and safety related to land use and development.

The Board is authorized to develop the Town's Master Plan to guide growth and make recommendations to ensure that development is consistent with the Master Plan. As the main author and "custodian" of the Town's Zoning By-Law, the Board is responsible for conducting public hearings and making recommendations on proposed amendments to the Zoning By-Law, which must be approved by Town Meeting.

The Board also regulates the subdivision of land and the construction of new roadways, grants site plan approval and special permits for various land-use proposals required by the Town's Zoning By-Law, and reviews all petitions for variances and other zoning matters filed with the Zoning Board of Appeals.

Woburn:
By virtue of both State Law and City Ordinances, the Woburn Planning Board is charged with a variety of responsibilities including the following:

Approval of Subdivisions
The Planning Board is charged with adopting and administering rules and regulations to control and guide the construction of new subdivisions, in accordance with the provisions of Massachusetts General Laws Chapter 41 Sections 81A-81J inclusive. This includes construction of new roads and residential subdivisions, the division of parcels on existing streets and commercial and industrial developments in which new streets or lot lines are created.

Authority to Grant Certain Special Permits
The Planning Board is also charged with approving special permits for Light Manufacturing uses over 15,000 gross square feet in area in the IP, IP-2, IG, S-2, O-P and OP-93 zoning districts; the Board is also charged with granting special permits for Light Manufacturing uses of less than 15,000 gross square feet in area in the S-2, O-P and OP-93 zoning districts. The review and granting of these special permits are governed by the provisions of Massachusetts General Laws Chapter 40A, Section 9.

Recommendations and Sponsorship of Zoning Map and Text Changes
The Planning Board is required to conduct public hearings and provide recommendations to the City Council on all proposed amendments to the Zoning Ordinance and to the City’s official Zoning Map. It is also authorized to sponsor proposed zoning amendments.

**Approval of Certain Work on Scenic Roads**

Massachusetts law vests the Planning Board with responsibility for overseeing certain work on any road that has been formally designated as a Scenic Road under the provisions of Massachusetts General Laws Chapter 40 Section 15C. On designated Scenic Roads, the Planning Board must specifically authorize the cutting or removal of any trees or the destruction or tearing down of stone walls within the limits of the right of way.

**Development of the Community’s Master Plan**

Under the provisions of Massachusetts General Laws Chapter 41 Section 81-D, the Planning Board is responsible for updating the City’s Master Plan approximately once every decade. The Master Plan analyzes recent demographic and development trends and community needs and identifies goals and priorities on a wide range of topics including housing, open space, transportation and economic development. The Master Plan also includes an implementation plan to guide public policy and directives in that regard.
Appendix B: Mass General Laws regarding responsibilities of Planning Boards

Excerpted from MGL Part 1, Title VII, Chapter 41, Sections 70 and 81A-GG:
The planning board shall:

- make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants.
- from time to time make careful studies and when necessary prepare plans of the resources, possibilities and needs of the city or town
- report annually to the city council or to the annual town meeting, giving information regarding the condition of the city or town and any plans or proposals for its development and estimates of the cost thereof
- make a master plan of such city or town or such part or parts thereof as said board may deem advisable and from time to time may extend or perfect such plan. Such plan shall be a statement, through text, maps, illustrations or other forms of communication, that is designed to provide a basis for decision making regarding the long-term physical development of the municipality. The comprehensive plan shall be internally consistent in its policies, forecasts and standards, and shall include the following elements: [...] 
- adopt, and...may, from time to time, amend, reasonable rules and regulations relative to subdivision control.
- [approve any subdivision plan] if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable.

Town meeting... may adopt an official map, prepared under the direction of such planning board and showing the public ways and parks therein as theretofore laid out and established by law and the private ways then existing and used in common by more than two owners. Such official map is hereby declared to be established to conserve and promote the public health, safety and general welfare.
Appendix K – Grafton retains Elected Planning Board

This appendix contains a reprint of the Article About Grafton considering a Planning Board change.
Grafton voters keep town clerk, Planning Board elected

Susan Spencer  Susan.Spencer@telegram.com  
Published 10:15 p.m. ET Oct. 16, 2017  |  Updated 10:23 a.m. ET Oct. 17, 2017

GRAFTON – Voters at fall town meeting Monday made it clear they wanted to keep a direct hand in choosing their town clerk and Planning Board.

Among 11 articles on the warrant that proposed changes to the town charter, Article 4, which would have made the town clerk a position appointed by the Board of Selectmen, and Article 5, which would have done the same for the Planning Board, failed to receive support from the necessary two-thirds majority of voters.

The charter amendment articles that did pass will need to be approved by voters at the town election in May.

“As soon as you take the citizens’ right to vote away from them, it’s further eroding the democratic process,” Donna Girouard, former town clerk, said about Article 4. Ms. Girouard, who retired in June, said that over the past 100 years, Grafton has had only five clerks, which she said indicated the electoral process was successful.

Dennis Perron, chairman of the Charter Review Committee, said the recommendation was made to make the position appointed because it requires more technical skills now.

The bid to make the change for the town clerk failed to get a majority, with 46 in favor and 105 opposed.

Resident Scott Rossiter was among a handful who spoke against Article 5, which would have made Planning Board positions appointed.

“It’s part of the messy democratic process,” Mr. Rossiter said.

“When a board is appointed by selectmen, they lose their independence,” Larry Silverman said.
Michael Scully, who chairs the Planning Board, said, “I speak truth to power,” and said that he likely wouldn’t be reappointed by selectmen if the process changed. He said he valued the opportunity to prove himself to voters.

Selectman Jennifer Thomas read a statement from Selectman Craig Dauphinais, who couldn’t attend, in favor of having an appointed Planning Board.

According to Mr. Dauphinais, elected seats are rarely contested, but when positions become open, several people step forward for interim appointments. He said that suggested people are willing to serve, but are intimidated by having to run for office.

Mr. Dauphinais added that the Conservation Commission, Zoning Board of Appeals and Board of Health are appointed by selectmen, but work well independently.

In other business, voters supported economic development initiatives by voting to appropriate up to $30,000 for a part-time economic development coordinator, authorizing purchase of a parcel of land from the state on Pine Street, and approving $50,000 for a design and engineering study for water and sewer on Route 30.

Voters also approved establishing a North Grafton Transit Village Overlay District, an area targeted for mixed-use development along Route 30 near the MBTA station, Tufts University’s Cummings School of Veterinary Medicine and CenTech Park.

And, an article to authorize the town to spend up to $20,000 to remediate a contaminated well at 159 Millbury St. was approved by a vote of 83-44, even though the contamination has not been proved to be caused by the town’s de-icing operations. Town Counsel Ginny Kremer said that the authorization would allow the board of selectmen to spend the money, if evidence showed it was responsible. She said the town’s hydrologist consultant found sodium and chloride levels within federal EPA limits, which would not pose a health threat.

The son-in-law of the homeowner at 159 Millbury St. said the town had approved the property’s well, as well as retention ponds that were improperly within 100 feet of the pre-existing well. He said a “frail, elderly” resident shouldn’t have to rely on bottled water.

A $50,000 feasibility study to replace doors and windows at North Street Elementary School, which would be partially reimbursed by the Massachusetts School Building Authority, also was approved by voters.
Appendix L - Cape and Islands Planning Boards

62% elected with predominantly 5-year terms

14 of the 15 Towns on the mainland Cape Cod have the town meeting form of government with a Select Board. The largest city on the Cape is Barnstable with a town council form of government, which is different than the Town Meeting/Select Board form.

Of these 14 Cape towns, 6 have elected Planning Boards (43%) and 8 have appointed Planning Boards (57%). Table L-1 below lists which towns have what form of filling membership on their Planning Board, and if that board is elected, the number of years in a member’s term (3 or 5).

Of the 9 Island towns that complete the Cape and Islands, 7 have the Town Meeting/Select Board form of government. All 7 of these towns have elected Planning Boards, with all but one having 5-year terms for their members.

<table>
<thead>
<tr>
<th>Cape towns</th>
<th>Planning Board</th>
<th>Island towns</th>
<th>Planning Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bourne</td>
<td>3</td>
<td>1 Aquinnah</td>
<td>3</td>
</tr>
<tr>
<td>2 Brewster</td>
<td>5</td>
<td>2 Edgartown</td>
<td>5</td>
</tr>
<tr>
<td>3 Chatham</td>
<td></td>
<td>3 West Tisbury</td>
<td>5</td>
</tr>
<tr>
<td>4 Dennis</td>
<td></td>
<td>4 Chilmark</td>
<td>5</td>
</tr>
<tr>
<td>5 Eastham</td>
<td></td>
<td>5 Oak Bluffs</td>
<td>5</td>
</tr>
<tr>
<td>6 Falmouth</td>
<td>3</td>
<td>6 Tisbury</td>
<td>5</td>
</tr>
<tr>
<td>7 Harwich</td>
<td></td>
<td>7 Nantucket</td>
<td>5</td>
</tr>
<tr>
<td>8 Mashpee</td>
<td>3</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>9 Orleans</td>
<td></td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>10 Provincetown</td>
<td></td>
<td>8 Wampanoag Tribe</td>
<td>Tribal Council</td>
</tr>
<tr>
<td>11 Sandwich</td>
<td>3</td>
<td>9 Gosnoid</td>
<td>only 26 households</td>
</tr>
<tr>
<td>12 Truro</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Wellfleet</td>
<td></td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>14 Yarmouth</td>
<td></td>
<td>43%</td>
<td>57%</td>
</tr>
<tr>
<td>15 Barnstable</td>
<td>Town Council Government</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table L-1: Planning Board Membership in Cape Towns  
Table L-2: Planning Board Membership in Island Towns
The combined Cape and Islands have:
- 13 of 21 (or 62%) of their Planning Boards elected,
- 8 of 21 (or 38%) appointed.
See Table L-3 below.

Of the Planning Boards that are elected:
- 62% are elected for 5-year terms,
- 38% are elected for 3-year terms.

<table>
<thead>
<tr>
<th>Planning Board</th>
<th>Elect</th>
<th>Appoint</th>
</tr>
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<tbody>
<tr>
<td>Cape &amp; Islands</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>62%</td>
<td>38%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Terms of Elected Planning Board: Cape &amp; Islands</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 years</td>
</tr>
<tr>
<td>5 years</td>
</tr>
<tr>
<td></td>
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</tbody>
</table>

*Table L-3*

Sources:
The links below provide the source information for this analysis.

- https://www.statscapecod.org/towndata/population.php
- https://www.capenews.net/falmouth/news/falmouth-voters-to-decide-selectman-planning-board-races/article_53d85c04-5342-5be7-8e9e-9790d551bc0.html
- https://www.capenews.net/mashpee-election-ballot-2019/pdf_932d8e48-f701-5e0b-a8cb-33a21b5e5fe0.html
- https://www.edgartown-ma.us/home/showpublisheddocument/16921/637829446656770000
Appendix M – Citizen Comments

This appendix contains comments received from citizens during the course of this research. It is organized in 3 sections:

- Comments favoring election
- Comments favoring appointment
- General comments

[ work in progress ]
TO: Brian Boyle  
    Robert Panessiti  
    William Golden  
    Chris Lucy  
    Cheryl Best  
    Nancy Medoff  
    Meg Royka  

Please review the attached letter which I sent to the Provincetown Independent, and please have the letter read into the record of the Charter Review Committee.

Thank you.

John Dubinsky
April 27, 2022

To the Editor:

We urge all voters in Truro to continue to support democracy and the free and open discussion of public policy in our community.

We have been homeowners in Truro for over 25 years. Yvette is a voter in Truro.

We are concerned about the views of some residents wanting to concentrate power in the hands of a few. In our neighborhood of South Truro, there are dozens of instances of town decisions being made in violation of town bylaws and rules and regulations. Examples include construction of houses with deficient frontage; houses that are occupied without occupancy permits; construction of roads without town permission or approval; and a building department that refuses to pursue violations.

There should be free and open debate about these and other issues; the majority of residents should prevail, and all discussions should be in an open forum with appropriate files retained by the town.

Independent committees are the vehicle by which exceptions are kept to a minimum. Exceptions are becoming way too common—to the point of putting our community at risk.

Please backstop the appointed charter review committee and let it do its work. In the meantime, let us support a continuation of our elected committee members. They represent “the people’s interest.”

Democracy is slow and imperfect. It is, however, the best system for governing.

John and Yvette Dubinsky
St. Louis and Truro

*The writers are investors in the Provincetown Independent. John Dubinsky is a member of the newspaper’s corporate board.*
Appendix N – Massachusetts General Law about Planning Boards

Part I
Title VII
Chapter 41

ADMINISTRATION OF THE GOVERNMENT
CITIES, TOWNS AND DISTRICTS
OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

Section 81A

PLANNING BOARD; ESTABLISHMENT; MEMBERSHIP; TENURE; VACANCIES

Section 81A. Any city except Boston, and, except as hereinafter provided, any town may at any time establish a planning board hereunder. Every town not having any planning board shall, upon attaining a population of ten thousand, so establish a planning board under this section. A planning board established hereunder shall consist of not less than five nor more than nine members. Such members shall in cities be appointed by the mayor, subject to confirmation by the city council and in towns be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine; provided, that a town which has a planning board established under section seventy may, at an annual town meeting or at a special town meeting called for the purpose, vote to establish a planning board under this section and may provide that the members of the planning board then in office shall serve as members of the planning board under this section until the next annual town meeting. When a planning board is first established or when the terms of members of the planning board established under section seventy serving as members of the planning board under this section expire, as the case may be, the members of the planning board under this section shall be elected or appointed for terms of such length and so arranged that the term of at least one member will expire each year, and their successors shall be elected or appointed for terms of three or five years each as determined by the city council in the case of a city and by the town meeting in the case of a town. Any member of a board so established in a city may be removed for cause, after a public hearing, by the mayor, with the approval of the city council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term, in a city, in the same manner as an original appointment, and, in a town, if the members of the board are appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term. All appointments pursuant to this section shall be in the manner provided in section eleven. Such a board shall elect annually a chairman and a clerk from among its own number, and may employ experts and clerical and other assistants. It may appoint a custodian of its plan and records, who may be the city engineer or town clerk. No member of a planning board shall represent before such board any party of interest in any matter pending before it.

Towns of less than ten thousand inhabitants, having no planning board established under this section may, by vote of the town meeting, authorize the board of selectmen to act as a planning board under this section until such a board is established; provided, that any such town, upon attaining a population of ten thousand, shall establish a planning board hereunder.
Section 81B  PLANNING BOARD; POWERS AND DUTIES

Section 81B. In any city or town in which a planning board is established under section eighty-one A, if any of the powers and duties of planning boards or boards of survey are being exercised and performed by a planning board established under section seventy or corresponding provisions of earlier laws, or by a board of survey established under section seventy-three or corresponding provisions of earlier laws or by a special act, or by the board of selectmen acting as a planning board, or by any other board, all such powers and duties shall cease to exist, when the members of the planning board established in such city or town under section eighty-one A take office; and thereupon the planning board established therein under section eighty-one A shall have and exercise all the powers and duties theretofore conferred and imposed by general law upon planning boards and boards of survey in cities and towns, as the case may be, and all the powers and duties of any such board theretofore conferred and imposed by special law upon any board of the city or town, with respect to any matters pending before any of said boards at the time of the establishment of the planning board in such city or town under section eighty-one A, as well as the powers imposed by this section and sections eighty-one C to eighty-one GG, inclusive. The officer or person having custody of the records or plans, or both, of the former board shall turn them over to the officer or person entitled to custody of the records and plans of the planning board established under section eighty-one A.

Planning boards established under section eighty-one A, their officers and agents, may, so far as they deem it necessary in carrying out sections eighty-one A to eighty-one J, inclusive, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks; but any person injured in his property by such entry or other acts without his consent may recover the damages so caused under chapter seventy-nine. The superior court for the county in which the land affected by any of the provisions of sections eighty-one A to eighty-one J, inclusive, lies, sitting in equity and the land court, shall have jurisdiction on petition of a planning board established under section eighty-one A, to enforce any of the provisions of said sections, and any ordinances or by-laws made thereunder, and may restrain by injunction violations thereof.

Section 81C  STUDIES AND REPORTS OF BOARD; ACTING AS PARK COMMISSIONERS

Section 81C. The planning board established under section eighty-one A shall from time to time make careful studies and when necessary prepare plans of the resources, possibilities and needs of the city or town, and, upon the completion of any such study, shall submit to the city council or selectmen a report thereon, with its recommendations. A copy of each completed study shall be furnished to the department of housing and community development. Said planning board shall report annually to the city council or to the annual town meeting, giving information regarding the condition of the city or town and any plans or proposals for its development and estimates of the cost thereof, and shall at the same time furnish a copy of its report to the department of housing and community development. The planning board of a town established under section eighty-one A may be authorized by vote of a town meeting to act as park commissioners therein, and may be vested with all the powers and duties of park commissioners in towns.

Section 81D  MASTER PLAN; ECONOMIC DEVELOPMENT SUPPLEMENT

Section 81D. A planning board established in any city or town under section eighty-one A shall make a
master plan of such city or town or such part or parts thereof as said board may deem advisable and from time to time may extend or perfect such plan.

Such plan shall be a statement, through text, maps, illustrations or other forms of communication, that is designed to provide a basis for decision making regarding the long-term physical development of the municipality. The comprehensive plan shall be internally consistent in its policies, forecasts and standards, and shall include the following elements:

1. Goals and policies statement which identifies the goals and policies of the municipality for its future growth and development. Each community shall conduct an interactive public process, to determine community values, goals and to identify patterns of development that will be consistent with these goals.

2. Land use plan element which identifies present land use and designates the proposed distribution, location and inter-relationship of public and private land uses. This element shall relate the proposed standards of population density and building intensity to the capacity of land available or planned facilities and services. A land use plan map illustrating the land use policies of the municipality shall be included.

3. Housing element which identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens.

4. Economic development element which identifies policies and strategies for the expansion or stabilization of the local economic base and the promotion of employment opportunities.

5. Natural and cultural resources element which provides an inventory of the significant natural, cultural and historic resource areas of the municipality, and policies and strategies for the protection and management of such areas.

6. Open space and recreation element which provides an inventory of recreational and resources and open space areas of the municipality, and policies and strategies for the management and protection of such resources and areas.

7. Services and facilities element which identifies and analyzes existing and forecasted needs for facilities and services used by the public.

8. Circulation element which provides an inventory of existing and proposed circulation and transportation systems.

9. Implementation program element which defines and schedules the specific municipal actions necessary to achieve the objectives of each element of the master or study plan. Scheduled expansion or replacement of public facilities or circulation system components and the anticipated costs and revenues associated with accomplishment of such activities shall be detailed in this element. This element shall specify the process by which the municipality's regulatory structures shall be amended so as to be consistent with the master plan.

Such plan shall be made, and may be added to or changed from time to time, by a majority vote of such planning board and shall be public record. The planning board shall, upon completion of any plan or report, or any change or amendment to a plan or report produced under this section, furnish a copy of such plan or report or amendment thereto, to the department of housing and community development.

A city or town which has an established master or study plan under section eighty-one A and applies for a
state grant from the commonwealth shall prepare and keep on file within such city or town an economic
development supplement; provided, however, that such city or town shall not be required to prepare such
supplement if such city or town has a supplement on file. Such supplement shall be at least one page in
length and shall contain the goals of the city or town with respect to industrial or commercial
development, affordable housing, and preservation of parks and open space.

Section 81E  OFFICIAL MAP; PURPOSE; RECORDATION

Section 81E. Each city or town having a planning board established under section eighty-one A may, by
action of its city council or town meeting adopt an official map, prepared under the direction of such
planning board and showing the public ways and parks therein as theretofore laid out and established by
law and the private ways then existing and used in common by more than two owners. Such official map
is hereby declared to be established to conserve and promote the public health, safety and general welfare.
Upon the adoption of such a map, and upon any change therein or addition thereto made as hereinafter
provided, the city or town clerk shall forthwith file with the appropriate registry of deeds a certificate of
such action and a copy of such map as adopted or as changed or added to. A copy of such official map or
any change thereto, shall be furnished to the department of housing and community development. After a
plan bearing an endorsement of approval or accompanied by a certificate as provided in the subdivision
control law has been recorded, the ways shown on said plan shall be and become a part of the official
map. No public water supply or sewer or other municipal utility or improvement shall be constructed in
any public or private way in any city or town having an official map elsewhere than in a subdivision
approved under the subdivision control law, unless such way has been placed on or made part of such
map.

No permit for the erection of any building elsewhere than in a subdivision approved under the subdivision
control law in any city or town having an official map shall be issued unless a way giving access to the lot
upon which such proposed building is to stand has been placed on or made a part of such map; provided,
that an applicant for a building permit which has been denied under this section shall have the same
remedy as a person whose application for a building permit has been denied under section eighty-one Y
of this chapter.

If such law is not in effect in any city or town adopting an official map, such city or town shall forthwith
provide a board of appeals in the manner set forth in section eighty-one Z, which shall have jurisdiction
over appeals under this section in the same manner as provided in sections eighty-one Y to eighty-one AA.

Section 81F  ALTERATION OF OFFICIAL MAP; DAMAGES FOR INJURIES

Section 81F. A city or town so adopting an official map, by action of its city council or town meeting,
may whenever and as often as it may deem it for the public interest, change or add to such map so as to
place thereon lines and notations showing existing or proposed locations, not theretofore mapped, of new
or widened public ways and new or enlarged parks, and proposed discontinuances in whole or in part of
existing or mapped public ways and parks. No such change or addition shall become effective until after
a public hearing in relation thereto before the city council or a committee thereof or before the selectmen,
at which parties in interest shall have an opportunity to be heard. At least ten days' notice of such a public
hearing shall be given by advertisement in an official publication of, or in a newspaper of general
circulation in, the city or town and by mailing a copy of such advertisement to all owners of property abutting on such proposed improvement or discontinuance, as appearing upon the most recent tax list. Any way, which is not a public way, appearing on an official map of a city or town may be modified or removed therefrom by the planning board acting in accordance with the procedure set forth in section eighty-one W, so far as apt, provided that there is no objection at a public hearing by any person in interest. No such change or addition which has not been previously recommended by the planning board established under section eighty-one A shall be adopted until after a report thereon by said board, and no variance from a plan prepared or approved by said planning board shall be made except by a two thirds vote of all the members of a city council, or by a two thirds vote of a town meeting; provided, that the last mentioned requirement shall be deemed to be waived in case the matter has been referred to said board for a report and it has failed to report within thirty days thereafter. Any person injured in his property by a change in the official map under this section may recover the damages so caused under chapter seventy-nine.

**Section 81G**

**APPLICABILITY OF MUNICIPAL PLANNING LAWS TO MUNICIPAL POWERS OVER PUBLIC WAYS AND PARKS**

Section 81G. Sections eighty-one A to eighty-one J, inclusive, shall not abridge the powers of the city council or the selectmen or any other municipal officer in regard to public ways or parks in any manner except as provided therein, nor shall they authorize the taking of land or the laying out or construction of any way or park shown on a map or plan, or the alteration, relocation or discontinuance thereof, except in accordance with the laws governing the same; provided, that, after a city or town has adopted an official map under section eighty-one E, no public way shall be laid out, altered, relocated or discontinued if such laying out, alteration, relocation or discontinuance is not in accordance with such official map as it then appears, unless the proposed laying out, alteration, relocation or discontinuance has been referred to the planning board established under section eighty-one A, and such board has reported thereon, or has allowed forty-five days to elapse after such reference, without submitting its report. After a city or town has adopted an official map under section eighty-one E, no public way shall be laid out, altered, relocated or discontinued if such laying out, alteration, relocation or discontinuance is not in accordance with such official map as it then appears, unless the proposed laying out, alteration, relocation or discontinuance has been referred to the planning board established under section eighty-one A, and such board has reported thereon, or has allowed forty-five days to elapse after such reference, without submitting its report. After a city or town has adopted an official map under section eighty-one E, no public way shall be laid out, altered, relocated or discontinued if such laying out, alteration, relocation or discontinuance is not in accordance with such official map as it then appears, unless the proposed laying out, alteration, relocation or discontinuance has been referred to the planning board established under section eighty-one A, and such board has reported thereon, or has allowed forty-five days to elapse after such reference, without submitting its report. The grading, surfacing and drainage of such way has been approved by such board.

Nothing in said sections shall render a city or town liable for damages, except such as may be sustained by entry upon land and other acts under section eighty-one B, by reason of changes in an official map under section eighty-one F, or by reason of the establishment of exterior lines under section eighty-one J.

**Section 81H**

**PART OF OFFICIAL MAP; LAYING OUT, ALTERING OR RELOCATING PUBLIC WAYS**

Section 81H. Upon final action by the proper authorities in laying out, altering or relocating a public way, or in discontinuing the whole or any part thereof, or in establishing or enlarging a public park, or closing thereof in whole or in part, the lines and notations showing such improvement, discontinuance or closing, as so established or effected, shall, without further action by the city council or the town meeting, be made a part of the official map, if any, of the city or town in which such public way or park is located.

**Section 81I**

**DUTIES OF MUNICIPALITIES HAVING NO OFFICIAL**
MAP IN RESPECT TO CONSTRUCTION OF WAYS; REFERENCE TO PLANNING BOARD

Section 81I. In a city or town having a planning board established under section eighty-one A but which has not adopted an official map no public way shall be laid out, altered, relocated or discontinued, unless the proposed laying out, alteration, relocation or discontinuance has been referred to the planning board of such city or town and such board has reported thereon, or has allowed forty-five days to elapse after such reference without submitting its report. Any city or town having a planning board established under section eighty-one A may, by ordinance, by-law or vote, provide for the reference of any other matter or class of matters to the planning board before final action thereon, with or without provision that final action shall not be taken until the planning board has submitted its report or has had a reasonable fixed time to submit such report. Such planning board shall have full power to make such investigations, maps and reports, and recommendations in connection therewith, relating to any of the subjects referred to it under this section, as it deems desirable.

Section 81J ESTABLISHMENT AND DISCONTINUANCE OF EXTERIOR LINES OF WAYS IN MUNICIPALITIES WITH PLANNING BOARDS; DAMAGES FOR INJURIES

Section 81J. A city or town which has a planning board under section eighty-one A may establish, in the manner provided for the laying out of city or town ways, the exterior lines of any way, the location of which has been approved under section eighty-one G or the subdivision control law; and thereafter no structure shall be erected or maintained between the exterior lines so established, except that buildings or parts of buildings existing at the time of the establishment of said lines may remain and be maintained to such extent and under such conditions as may be prescribed by such planning board. Lines established under this section may be discontinued in the manner provided for the discontinuance of a highway or a city or town way. Lines so established shall be placed on the official map, if any, of the city or town, without further action by the city council or town meeting, and shall be removed therefrom if discontinued. Any person injured in his property by the establishment of exterior lines under this section may recover damages so caused under chapter seventy-nine.

Section 81K DESIGNATION OF SUBDIVISION CONTROL LAW

Section 81K. Sections eighty-one K to eighty-one GG, inclusive, shall be designated and may be known as "the subdivision control law". This designation shall, when apt, include corresponding provisions of earlier laws.

The remaining sections of MGL relating to Planning Boards are called the “subdivision control law” and are available at this link:
https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81K
Appendix O - Charter Review Committee Minutes Summary

Minutes from the time line of Charter Review Committee discussions and actions related to an elected vs. appointed Planning Board
(Beginning with the first mention of the Planning Board in posted CRC Minutes)

June 6, 2019 – Minutes by M. Royka are on website.
CRC discussed whether Planning Board should be elected or appointed. At that meeting, minutes for August 14, 2017 were accepted – see below.

August 14, 2017 – Minutes by Meg Royka are on website.
CRC minutes reflect a carryover of discussion on the appointment of the Planning Board from the previous year. However, there are only two meeting minutes posted from 2016 and neither discusses the Planning Board specifically. All that was noted was a concern with listing multimember bodies in section 6-4-2.

November 1, 2019 – Minutes by B. Panessiti are on website.
https://www.truro-ma.gov/sites/g/files/vyhli3936/f/minutes/19-11-01-charter_review-min.pdf
Chair Panessiti distributed Collins document and asked committee to look it over. At this meeting minutes from August 14, 2019 were remanded for supplementation. However, no follow-up minutes were later posted on the website to confirm action or discussion of the issues at that meeting.

February 26, 2020 CRC Meeting – Minutes by B. Panessiti are on the website.
https://www.truro-ma.gov/sites/g/files/vyhli3936/f/minutes/20-02-26-charter_review-min.pdf
There was further discussion of Planning Board being elected or appointed. Cemetery Commission was added to the discussion. No further CRC meetings were held until October.

September 26, 2020 – ATM
Petitioned article placed on ATM warrant asking to make Planning Board appointed, with 2 Select Board Members in favor, 3 opposed. Article contained no recommendation from the Charter Review Committee. The article was not voted on due to Covid19-related streamlining of ATM, and was tabled to the 2021 ATM.

October 14, 2020 CRC Meeting - Minutes by B. Panessiti are on the website.
https://www.truro-ma.gov/sites/g/files/vyhli3936/f/minutes/20-10-14-crc-min.pdf
New CRC officers were elected. Discussion began on the issue of Election vs. Appointment. Mr. Panessiti stated that we should be discussing the process of decision-making and it was determined that all boards and committees should go through an established process of reviewed with regard to election or appointment, not just the Planning Board and Cemetery Commission. Mr. Panessiti offered to have legal counsel let us know which committees and boards cannot be changed and would therefore not worth considering.

November 5, 2020 CRC Meeting - Minutes by C. Best are on the website.
https://www.truro-ma.gov/sites/g/files/vyhli3936/f/minutes/charter_review_committee_november_5_2020.pdf
Mr. Panessiti stated the importance of having a CRC decision about election or appointment of the Planning Board and Cemetery Commission for the warrant at the 2021 ATM. There was a lengthy discussion on the election vs. appointment process and the Collins document. It was decided that there should be a clear process of evaluating boards and committees and that all multi-member bodies being studied should be part of that process. Ms. Best was asked to distribute the spreadsheet she had developed, which weighted and outlined the Collins criteria in order of importance to the issue. Mr. Panessiti asked the committee to review the framework and be prepared to discuss it at the next meeting.

**November 30, 2020 CRC Meeting** - Minutes by C. Best are on the website.
[https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/20-11-30-charterreview-min.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/20-11-30-charterreview-min.pdf)

The committee discussed the spreadsheet and criteria with a discussion of other criteria that might be added and the weighting of criteria. Ms. Best cited up the Ipswich study. Mr. Panessiti clarified that the Select Board had not charged the CRC to do this work. It was decided that Ms. Medoff would take the spreadsheet and use it to create a survey with weighted criteria (1 to 5), cleaner language for the criteria, and a second tab with the additional questions. A time line was discussed leading to a recommendation and public hearing in mid-March. A motion carried to add the ZBA to the initial study so that we would review 3 multi-member bodies.

**December 21, 2020 CRC Meeting** - Minutes by C. Best are on the website.
[https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/20-12-21-charterreview-min.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/20-12-21-charterreview-min.pdf)

There was a lengthy discussion of the wording of questions and the weighting of criteria. The review of KP Law opinion on multi-member bodies that can be changed by the charter was tabled to the following meeting.

**January 11, 2021 CRC Meeting** - Minutes by C. Best are on the website.

The committee discussed updated language and a motion passed to accept it. Mr. Panessiti agreed to reach out to the Planning Board to get potential dates for a joint meeting. Other areas of the Charter were discussed with regard to sections that should be considered for recommended changes, including section 6.10, a review of which was requested by Ms. Areson from the Select Board and 2.3.3, which was requested by Ms. Best for review.

**January 25, 2021 CRC Meeting** - Minutes by C. Best are on the website.

Ms. Medoff shared that she was unable to send the survey for a test run because its format was not available in the free version. Mr. Panessiti offered to investigate financing to purchase the paid program. The committee reviewed the questions and format and discussed how to distribute it. The KP Law opinion regarding multi-member bodies with statutory requirements for election or appointment was tabled again to the next meeting.

**February 15, 2021 CRC Meeting** – Minutes by C. Best are on the website.

Mr. Panessiti shared that the Town may already have a license for Survey Monkey and agreed to confirm this before the next meeting. Ms. Medoff and Mr. Panessiti decided to coordinate efforts with the town on how to launch the survey. Mr. Panessiti shared his reading of the KP law document, stating that only the Select Board, School Committee, and Town Moderator must be
elected. Ms. Best agreed and added that it appeared all other multi-member bodies could be
elected or appointed as, they are governed by the Charter. (See attached)

March 1, 2021 CRC Meeting - Minutes by C. Best are on the website.
https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/21-03-01-crc-min.pdf
Mr. Panessiti shared that the Town’s license for Survey Monkey had lapsed and that we should
c onsider redoing the survey on Google Forms. Ms. Medoff and Mr. Boyle agreed to review the
new platform but warned it would take time. Mr. Panessiti assured the committee that there
was no timeline.

March 24, 2021 CRC Meeting - Minutes by C. Best are on the website.
https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/21-03-24-crc-min.pdf
Mr. Panessiti informed the committee that the Select Board was putting off their decisions on the
articles related to changes in the Town Charter, pending recommendations from the CRC. he
would go to go to the next SB meeting to share that we are not making any recommendations on
petitioned articles because we are currently engaged in an ongoing process for making those
determinations. He then informed the committee that we would have a public hearing sometime
prior Town Meeting. The Town Manager, Mr. Tangeman, attended the meeting and shared his
opinion on elected bodies. Mr. Boyle shared that moving the survey to Google forms would take
some training. Mr. Panessiti agreed to try and get access to the Town’s survey instrument, Bang
The Table, for Mr. Boyle’s review.

April 19, 2021 CRC Meeting - Minutes by C. Best are on the website.
There had been no movement on survey instruments since the previous meeting. Evaluation was
continued. Mr. Panessiti outlined what to expect at the pre-town meeting public hearing and
reminded the members that he would represent the work of the CRC.

June 3, 2021 CRC Public Hearing (part of Pre-Town Meeting) - Minutes by B. Panessiti on the
website.
https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/crc_minutes_june_3_2021.pdf
Mr. Panessiti opened the public hearing at 5:30PM, discussed the work of the CRC and closed the
meeting at 6:00PM.

June 26, 2021 – Annual Town Meeting
Three petitioned articles asking for changes in how seats are filled on multi-member bodies,
(Planning Board to move from elected to appointed; Board of Health to move from appointed to
elected; and Zoning Board of Appeals to move from appointed to elected), were tabled at the ATM
so that the CRC could complete its work related to election vs. appointment.

July 23, 2021 CRC Meeting - Minutes by C. Best are on the website.
Ms. Meg Royka joined the committee filling Mr. Palmer’s vacancy. New CRC officers were
elected.
Mr. Panessiti shared that the Town renewed its license for Survey Monkey. It was decided that
the Chair, Mr. Boyle would reach out to chairs of multi-member bodies being surveyed as a
heads-up that the survey was coming. Ms. Best suggested the Board of Health be added to the
study since the Town Meeting requested it. Mr. Panessiti stated that we could add the BOH to
the next round of studies and asked if the survey should be sent to the public. It was decided
that the survey in its current form was not appropriate for the public. There was also discussion
about adding language to the Charter requiring a lead petitioner, based on difficulties the Select
Board encountered with petitions for the 2021 warrant. Mr. Boyle agreed to take a look at the
form and add the item to the next meeting agenda.

September 13, 2021 CRC Meeting - Minutes by C. Best are on the website.
Ms. Medoff presented the survey data collected from the Planning Board, Cemetery Commission,
and Zoning Board of Appeals, which had yielded a 53% return rate. There was discussion as to
the usefulness of the data and a decision to encourage more responses. A decision was made to
have the Town Planner, Ms. Barbara Carbone, attend the next CRC meeting to discuss her
thoughts on the data. It was also decided at this meeting to recommend added language about
lead petitioners to charter section 2.3.3.

October 12, 2021 CRC Meeting - Minutes by C. Best are on the website.
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/minutes/21-10-12-crc-min.pdf
Ms. Medoff presented updated survey data. Ms. Best agreed with her that the survey data does
not give adequate information for deciding on election or appointment but that the entire survey
is just one data point in the process. A decision was made that the survey would need some
minor amendment before sending it out to the next round of committees/boards, but that it
should be sent out to the Board of Health since the vote on that board was tabled at the 2021
ATM. Mr Boyle agreed to contact the BOH to inform the Chair that it was coming. Ms. Carbone
was asked to make general comments on the criteria used in the survey. With regard to election
or appointment, she stated that she has seen both great and terrible planning boards in both
situations and that she does not see the Planning Board as a check and balance to the Select
Board. With regard to the criteria of expertise; she thought that anyone with motivation could
learn what was necessary. Mr. Panessiti requested that we complete the work on elected vs.
appointed at the November meeting.

November 22, 2021 CRC Meeting - Minutes by C. Best on the website.
Ms. Medoff shared the one response returned by the Board of Health. There was a brief
discussion on the new data. Mr. Boyle outlined the process we have followed on the issue over
the past two years and summarized the data. Ms. Best made a motion that the CRC recommend
to the Select Board that the 4 committees we studied at the request of the public (Planning
Board, Cemetery Commission, Zoning Board of Appeals, and Board of Health) all remain with
their current manner of filling seats as outlined in the charter. There was a lengthy discussion on
the topic. After 30 minutes of discussion, there was a call for the question, which passed, and the
motion then passed by majority vote.

December 20, 2021 CRC Meeting - Minutes by C. Best on the website.
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/minutes/21-12-20-crc-min.pdf
Continued discussion on Committees/Boards: Appointed/Elected –
Chair Boyle established that we still approximately 12 to 15 more boards to look at in phase 2 of
our study. Ms. Medoff stated that we should think about other questions we would want to ask
because we did not get excellent information from our survey. She suggested we include
interviews with other towns that have appointed Planning Boards. She stated her thoughts about having an actionable process that should be applied to all committees, including the ones already studied. Ms. Best agreed that we could test a new process with four additional committees and apply it to all others if it yielded valuable information. Mr. Panessiti suggested that we might send out an RFP to find a consultant to engage in a comprehensive study on the topic. Mr. Lucy questioned what we voted on during the November 22 meeting and if it was permanent. Ms. Best clarified that it was a recommendation to leave things as they are in the Charter because after 2.5 years of study and discussion, we have not found any compelling reasons to make Charter changes. There was some disagreement on the committee as to the amount of work that has been done on the topic. Mr. Lucy stated that he did not recall any prior studies done over the years. Ms. Medoff shared that she felt we did not speak about the individual committees. She reiterated her desire for a comfortable process to evaluate the question of election vs. appointment. Chair Boyle asked what other information we need to gather. Ms. Medoff responded that we should find out what other towns are doing and have discussions with towns that are populating committees in the opposite manner in which are.

- **Action Item:** Committee Members should bring to the next meeting any additional information they would like to gather for the study of this issue.

Mr. Boyle stated that this project work should be done by the 2023 ATM and asked Mr. Panessiti to look into how we could get funding for a consultant to do a study.

- **Action Item:** Mr. Panessiti will research the possibility of funding a study through an RFP process and bring that information to the next meeting.

**January 24, 2022 CRC Meeting - Minutes by C. Best on the website.**

[https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/22-01-24-crc-min.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/22-01-24-crc-min.pdf)

There was a lengthy discussion of the November 22 motion and vote. Chair Boyle stated that the updated minutes hopefully added clarity and that he would like us to discuss what to do next because we have many committees to consider. He stated that he would like to create a structured process taking stock of the information we have and moving forward. Mr. Panessiti reviewed the process we implemented and said he felt that the Collins Institute work had gone by the wayside, which had disappointed him. Mr. Lucy stated his thoughts that we had not discounted Collins but had not adequately discussed it. He stated that he would like to discuss the Collins criteria and decide what we would use to help us come to conclusion. Ms. Best stated that she recalled discussing the criteria at length, working with language and talking about the relative importance of the criteria when we were thinking about weighting the criteria. Ms. Medoff stated that although we discussed the criteria, we did not apply it equally to the four committees in question. She added that we also discussed the data but did not apply it and that we should look at the process we used to see if it was flawed. She added that she felt there was confusion about the motion and whether it was for a lifetime or for this town meeting. For those reasons, she stated that she would like to reopen the November 22 vote. Ms. Best shared that she felt it was a bad precedent to reconsider a vote. She clarified that no recommendation is in perpetuity and that we voted to make a recommendation to the SB based on the idea that the Charter should not be changed unless there is a high standard for doing so – one she felt the committee had not met through our work and data collection. She then outlined the work that had been done on the topic for two and a half years. Chair Boyle then asked for input on ideas for additional information we should be seeking. Mr. Panessiti agreed with Ms. Medoff and stated his thoughts on the Cemetery Commission and that he did not believe the motion should have been
for all four committees together. Ms. Medoff shared a list of additional information that she would like to gather in the process, including but not limited to:

- A full discussion of the survey results related to each committee
- Discussions with petitioners of articles
- Discussions with members of the committees
- Discussions with the leadership of other towns, particularly those that fill committee seats in manners opposite to ours

Ms. Reed stated that she wanted the CRC to take a deep dive so that we did not have this come up again through a citizen petition and wind up back where we started. She added her concerns with a divided opinion going to the SB. Chair Boyle thanked Ms. Medoff for her suggested list, adding that if you have weak information, analyzing it won’t help and that we should review Ms. Medoff’s list for some valuable ideas. He added that we need to analyze the costs of getting the information and its value in decision-making before we decide to collect it. Mr. Panessiti clarified his previous comment regarding bringing in a consultant to help with the process. Mr. Golden stated that we should not underestimate the amount of experience of people on the CRC. Ms. Medoff stated that based on our discussion, she would like to make a motion to reopen the November 22 vote and Mr. Lucy seconded. Chair Boyle questioned the concept of reopening a vote and Ms. Best asked if the motion was to rescind the vote. Mr. Panessiti explained his thinking on the motion, stating that it would involve two votes, (one to revisit the vote and then another to vote again) Ms. Best shared that she could not support a motion to rescind a vote two meetings after the vote was made, particularly when we do not have a better process in place yet to gather new information. She added that she would like to see a new and better process moving forward and that if it yielded useful information on our 4 next committees we could then perhaps apply it to the first 4 committees. Mr. Boyle explained the temporary nature of a recommendation based on information currently available to us. He added that the SB has a warrant to put together and they need to know whether we are going to recommend a charter change or not. More discussion followed with members sharing their thoughts around the motion, the vote, and what we had and had not accomplished in the study. Mr. Lucy shared that he spoke to the petitioner of the Planning Board article, who stated that he would resubmit it if a recommendation for no change was made. Ms. Medoff clarified the choices for her motion (rescind, reconsider, and reopen) She stated that she was fine with reopen or reconsider but that rescind was alarming to many people. After approximately 10 minutes of discussion, Mr. Panessiti stated that we were not rescinding the vote. Mr. Golden stated that he did not think you could take a vote and then just take another vote and change it. Ms. Best stated that she would have to consult Roberts Rules of Order on how you revote a motion after the first vote. She then called the question, which was seconded by Ms. Royka. All were in favor of calling the question on a roll call vote. The motion to reopen the November 22 vote was read. The motion to reopen was passed with 4 affirmative votes and 3 dissenting votes from Mr. Boyle, Ms. Best, and Mr. Golden. There followed a discussion about making a motion to revote the November 22 motion and it was decided to take it up at the next meeting.

January 25, 2022 CRC Meeting - Minutes by C. Best on the website.
Select Board called the Charter Review Committee to their meeting to discuss the November 22, 2021 motion and vote to recommend no change to the Charter regarding how the studied committees filled their seats. In response to repeated accusations from the Select Board that the Charter Review Committee had not met its charge, Ms. Best read a statement into the record defending the Charter Review Committee’s work on the issue over the past two years. Select
Board Chair and Vice Chair reiterated that the Charter Review Committee had not met its charge and had not fully studied the issue and should continue to do so with added criteria as discussed at the January 24 CRC meeting.

March 1, 2022 CRC Meeting - Minutes by C. Best on the website.  
https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/minutes/22-03-01-crc-min.pdf

It was determined that the November 22, 2021 motion could not be reconsidered but could be amended. There was a lengthy discussion about moving forward with the study, how it would be conducted, what new information the committee would be using in the study, and how the information could be gathered. The amended motion below passed unanimously: (amended language underlined)

**New Motion:** That the CRC recommend to the Select Board that the 4 committees we studied at the request of the public (Planning Board, Cemetery Commission, Zoning Board of Appeals, and Board of Health) all remain with their current manner of filling seats as outlined in the charter until such time as the CRC finds information to warrant a change with respect to any one or more of said committees during our continued study of each board on an individual basis.

March 30, 2022 CRC Meeting - Minutes by C. Best on the website  
https://www.truro-ma.gov/charter-review-committee/minutes/charter-review-committee-minutes-23

The discussion regarding and elected vs. appointed Planning Board took place with respect to the citizen petitioned article for the 2022 Annual Town Meeting. **Article 52 [now changed to Article 50]** – re: changing Planning Board from elected to appointed – The Petitioner was allowed to speak in support of his article. The Chair then discussed the committee’s ongoing study and option of not voting on the article until the study was complete. Mr. Panessiti moved to recommend Article 52. Ms. Medoff seconded the motion.

- The following discussion points included: a review of the meeting packet and ongoing plan to study the issue; the length of time a good study takes; the unanimous CRC vote on an amended motion to make no change to the charter until further information was gathered and discussed regarding each of the studied committees; the fact that the petitioners desiring to change other committees were respecting the study process and not resubmitting petitions this year; the time lost in collecting low-value survey data and focusing too heavily on process; the assertion that the CRC had all the data it needed for making a decision; the fact that the Select Board voted 3 to 1 in favor of Article 52 and that they wanted the CRC to vote on it tonight.
- Ms. Medoff called the question. Mr. Panessiti seconded. On a roll call vote, all 7 CRC members approved calling the question. In a roll call vote on the motion to approve Article 52, four CRC members voted nay (Chair Boyle, Ms. Best, Mr. Golden, and Ms. Royka). Three CRC members voted aye (Ms. Medoff, Mr. Panessiti, and Mr. Lucy).

It was decided that the Charter Review Committee should have a public meeting on this topic (April 21, 2022) to inform the public about the work that had been done on the topic and to get their input as part of the ongoing study. The Annual Public Hearing of the CRC was also scheduled for April 27, 2022.

April 21, 2022 CRC Meeting – Public Meeting on Elected vs. Appointed Committees - Minutes by
C. Best on the website

https://www.truro-ma.gov/charter-review-committee/minutes/charter-review-committee-minutes-24

The entire meeting was on this topic with numerous public comments supporting elected committees, asking questions about the warrant article, and making suggestions for inclusions in the committee report, which was a working document in the meeting packet. During the working meeting there was much discussion on the report. A list of pros and cons on each position was recommended as a useful addition to the Committee’s report.
Appendix P – Massachusetts Municipal Association (MMA)

CONTACTS MADE by Brian Boyle

Mar 9, 2022:  Cecilia Calabrese: past MMA President

Mar 20, 2022: Geoff Beckwith: MMA Executive Director

Apr 12, 2022: Michael Dutton: chair of MMA Form of Government Committee

I was finally able to connect live with Michael Dutton for a two hour discussion as he was driving to Maryland. He was very generous with his time and spoke from considerable experience. He is Town Manager of Bridgewater MA (9 years), and was previously Town Manager of Oak Bluffs, Martha’s Vineyard (5 years).

https://www.linkedin.com/in/michael-dutton-jd-icma-cm-a752547/

The agenda for the call was the Truro Charter Review Committees study of elected and appointed boards, and in particular the four boards we have been reviewing.

One interesting insight that came out of the discussion was the concept and process of setting policy for the town. His observation, drawn from experience at a smaller town like Oak Bluffs and a larger town like Bridgewater, is that in smaller towns policy is really set by the voters at town meetings. However, since town meetings don’t explicitly use the term policy, sometimes the policies that are set thereby are not immediately obvious.

Consequently, it is often the case that no one board has policy as its purview. Although the Select Board has the broadest purview, other boards have purview within the scope of their charter, charge, and expertise.

Democracy, being sometimes referred to as a messy form of government (but the best we have), can lead to situations where boards disagree. But it was felt that if the level of communication is strong and sincere, that multiple points of view would likely eventually be reconciled.

We discussed two boards in particular, the Planning Board and the Board of Health.

Since the Planning Board charter article was voted on at ATM 2022, we discussed it in that context. His summary was that elected Planning Boards are “sort of typical.” And that there is no right or wrong answer. [This corresponds to the results of our previous research in this regard.]

The Board of Health discussion centered around the responsibilities of the Board of Health, including drinking water and wastewater. Many towns and cities, in order to provide healthy
water supplies, have had to install municipal water systems and wastewater treatment plants fed by sewers. In those municipalities, the oversight and management is usually the purview of a Water District or a Sewer District.

For example, the Town of Dennis Water District has a three member elected Board of Water Commissioners. [https://www.denniswater.org/](https://www.denniswater.org/) It has the job of protecting water sources by acquiring or permanently restricting wellfields, in their case 1,077 acres of watershed, Dennis has a five member Board of Health, appointed. [https://www.town.dennis.ma.us/board-health](https://www.town.dennis.ma.us/board-health)

MMA does not presently maintain a database of municipalities and which boards are elected and appointed.

Long term policies are key to boards working in alignment. Growth crosses all boards in a town, and having a long term plan facilitates multiple boards coalescing around one vision and policy.