

Charter Review Committee

Elected and Appointed Boards Research Report on the Planning Board

Working Draft

April 24, 2022

[Link to Annual Town Warrant](#)

DRAFT

Committee Members:

Brian E. Boyle, Chair
Nancy Medoff, Vice-chair
Cheryl R. Best, Clerk
Robert M. Panessiti
William Golden
Chris Lucy
Meg Royka

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REVISION LOG

April 24, 2022 Added Appendix L

DRAFT

Truro Planning Board

Introduction

The Charter Review Committee (CRC) has been studying the Truro Planning Board since 2019 in order to finalize its findings 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.

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 Boston¹
- Interview with Truro’s current Town Planner
- A report of the work done by the Town of Ipswich² 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.

These results are summarized below (and in Appendix L):

	# Towns	% Elected	% Appointed	Elected	Appointed
Cape	14	43%	57%	6	8
Cape & Islands	21	62%	38%	13	8

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.

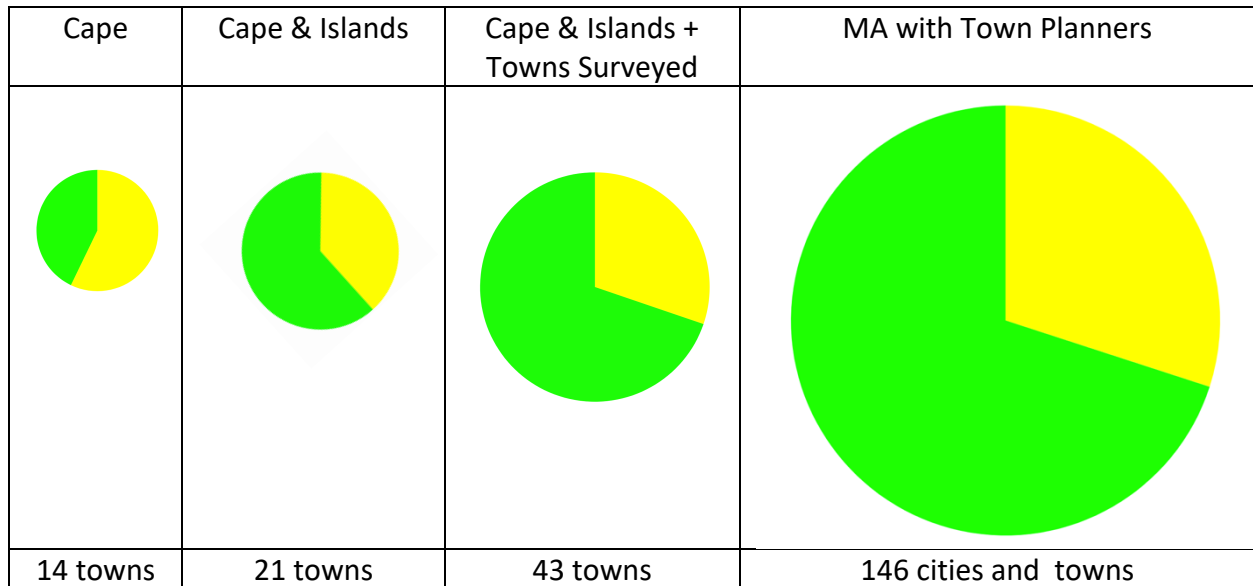
According to that same 2019 report, a 2018 survey by MA planners, of the 146 cities and towns that have Town Planners, 70% have elected Planning Boards; 30% have appointed Planning Boards³

	# Towns	% Elected	% Appointed
Survey Responds	22	78%	22%
Cape & Islands + Survey	43	70%	30%
MA Planners	146	70%	30%

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.

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]



Larger sample sizes are associated with greater statistical significance⁴.

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 board

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://www.surveysystem.com/sscalc.htm>

⁵ <https://www.telegram.com/news/20171016/grafon-voters-keep-town-clerk-planning-board-elected>

Mass 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>

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.

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.

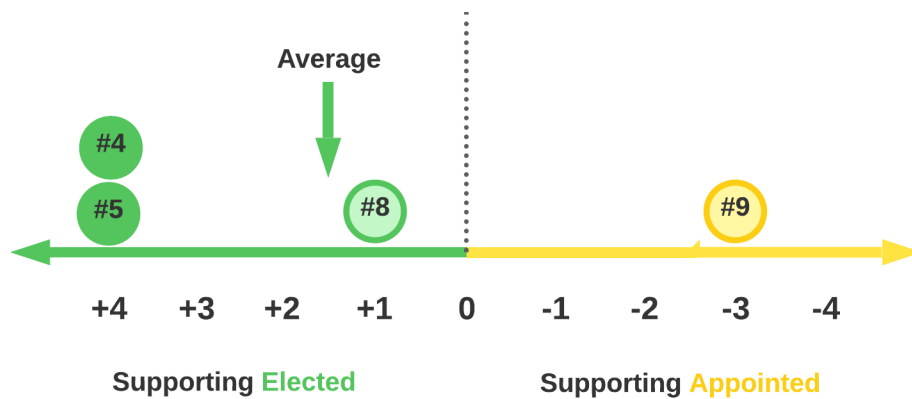
⁸ The most extreme score possible would be, on the one hand, to have all 7 relevant attributes answered most supportive of election, which would be 7 x 2 for a weighted sum score of +14; or, on the other hand, to have all 7 attributes answered most supportive of appointment, which would be a 7 x 2 for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

The 4 survey results are summarized on the table below:

Survey	Weighted Sum	
#4	+4	
#5	+4	
#8	+1	
#9	-3	
Average	+1.5	

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

[work in progress]

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Appendix B

Mass General Laws regarding responsibilities of Planning Boards

Excerpted from MGL Part 1, Title VII, Chapter 41, Sections 70 and 81A-GG⁸:

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.

⁸ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81a>
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81B>

Appendix C

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.

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-add term limits ->

FRAMEWORK FOR CONSIDERING ELECTED AND APPOINTED OFFICES FROM THE EDWARD J COLLINS JR. CENTER FOR PUBLIC MANAGEMENT AT UMASS BOSTON

CRITERIA SUPPORTING A POSITION OR BOARD BEING ELECTED

It has significant policy-making responsibility

POLICY

It has few ministerial responsibilities and tasks whose performance is guided almost entirely by statute

NATURE OF RESPONSIBILITIES

Someone with little training or expertise in its area of work could quickly and easily become effective in the work

REQUIRED TRAINING OR EXPERTISE

Its role and tasks are easily and widely understood by the public

PUBLIC UNDERSTANDING OF WORK

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.)

PUBLIC'S ABILITY TO EVALUATE NON-POLICY PERFORMANCE

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

CHECKS AND BALANCES

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

COLLABORATION WITH OTHER OFFICIALS

CRITERIA SUPPORTING A POSITION OR BOARD BEING APPOINTED

It has minimal policy-making responsibility

It has many ministerial responsibilities and tasks whose performance is guided almost entirely by statute

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

Its role and tasks are complicated and not easily and widely understood by the public

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

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

It is critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials

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

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

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.

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Appendix F

Survey Instrument

[work in progress]

[additional description]

DRAFT

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 anyboard, committee or community entity. If so, kindly list here.

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. It is critical to the effective and efficient functioning of government for this Board or Committee to cooperate regularly with other Townofficials

- 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)

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 or 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: #4, #5, #8, #9

[work in progress]

[additional summary]

DRAFT

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, August 19, 2021 9:19:09 PM
Last Modified: Thursday, August 19, 2021 9:29:50 PM
Time Spent: 00:10:41
IP Address: 71.192.16.233

Page 2: Survey questions are below.

Q1 Respondent skipped this question

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

Respondent skipped this question

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

Q11

Elected

Is your committee or Board currently Appointed or Elected?

Q12

Respondent skipped this question

Is your Board or Committee Statutory?

Q13

Respondent skipped this question

Anything else you would like to share?

Q14

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

accountant--town clerk

Q15

Respondent skipped this question

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

Q16

Respondent skipped this question

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

Q17

Respondent skipped this question

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.

Q18

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

2

Q19

Respondent skipped this question

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

#5

COMPLETE

Collector: Email Invitation 1 (Email)
Started: Sunday, August 22, 2021 2:25:22 PM
Last Modified: Sunday, August 22, 2021 3:02:07 PM
Time Spent: 00:36:45
Email: [REDACTED]
IP Address: 73.167.14.175

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) **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

(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

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

(no label) **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?

(no label)

2

Other (please specify):

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.

(no label)

5

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

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):

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):

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

Elected

Is your committee or Board currently Appointed or Elected?

Q12

Yes

Is your Board or Committee Statutory?

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

#8

COMPLETE

Collector: Email Invitation 1 (Email)
Started: Friday, August 20, 2021 1:08:12 PM
Last Modified: Thursday, August 26, 2021 9:03:30 PM
Time Spent: Over a day
Email: [REDACTED]
IP Address: 66.30.216.235

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

Elected

Is your committee or Board currently Appointed or Elected?

Q12

Yes

Is your Board or Committee Statutory?

Q13

Respondent skipped this question

Anything else you would like to share?

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?

Short term

Housing

Long term

Climate change

Q17

Respondent skipped this question

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.

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?

#9

COMPLETE

Collector: Email Invitation 1 (Email)
Started: Friday, August 27, 2021 2:45:03 PM
Last Modified: Friday, August 27, 2021 2:54:46 PM
Time Spent: 00:09:43
Email: [REDACTED]
IP Address: 67.186.170.201

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

Elected

Is your committee or Board currently Appointed or Elected?

Q12

Yes

Is your Board or Committee Statutory?

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

Respondent skipped this question

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

Q15

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

streamlining clarifying and consistency

Q16

Respondent skipped this question

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 #5 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 will be available online.

[work in progress]

[additional description]

DRAFT

CRITERIA SUPPORTING A POSITION OR BOARD BEING ELECTED

CRITERIAL SUPPORTING A POSITION OR BOARD BEING APPOINTED

Q7	high				low	n/a
<i>reversed</i>	It has significant policy-making responsibility	POLICY	It has minimal policy-making responsibility			

Q2	1	2	3	4	5	n/a
	It has few ministerial responsibilities and tasks whose performance is guided almost entirely by statute	NATURE OF RESPONSIBILITIES	It has many ministerial responsibilities and tasks whose performance is guided almost entirely by statute			

Q8,9	low				high	n/a
	Someone with little training or expertise in its area of work could quickly and easily become effective in the work	REQUIRED TRAINING OR EXPERTISE	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	4	3	2	1	n/a
<i>reversed</i>	Its role and tasks are easily and widely understood by the public	PUBLIC UNDERSTANDING OF WORK	Its role and tasks are complicated and not easily and widely understood by the public			

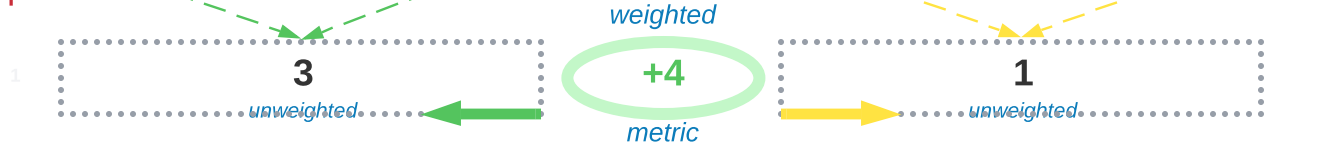
Q5	5	4	3	2	1	n/a
<i>reversed</i>	The nature of the position or board's role makes it relatively simple for the public to evaluate the performance of its non-policy-making duties (for example efficient use of Resources, etc.)	PUBLIC'S ABILITY TO EVALUATE NON-POLICY PERFORMANCE	The nature of the position or board's role makes it relatively difficult for the public to evaluate the performance of its non-policy making duties			

Q1	5	4	3	2	1	n/a
<i>reversed</i>	The position or board is helpful as a check or balance against another Center of power in the community	CHECKS AND BALANCES	The position or board is not needed as a check or balance against another center of power in the community			

Q3	1	2	3	4	5	n/a
	It is not critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials	COLLABORATION WITH OTHER OFFICIALS	It is critical to the effective and efficient functioning of the Government for this position or board to cooperate regularly with other officials			

count of checkmarks and weights

Totals	+2	2	+1	1	2	1	-1	-2	1
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Appendix J

Complete Ipswich Study

9 pages follow

DRAFT

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.²

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.”³

Grafton recently voted to keep their Planning Board elected. One resident said, *“When a board is appointed by selectmen, they lose their independence.”*⁴

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.*⁵

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.

² <http://thelocalne.ws/2018/03/26/citizens-petition-seeks-to-have-ipswich-planning-board-elected-rather-than-appointed/>

³ <http://thelocalne.ws/2018/05/10/ipswich-planning-board-to-remain-appointed-for-now/>

⁴ <https://www.telegram.com/news/20171016/grafton-voters-keep-town-clerk-planning-board-elected>

⁵ <http://thelocalne.ws/2018/03/27/paek-against-electing-planning-board/>

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.

Politicization: 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.”⁶

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.⁷

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.

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

⁷ “An Evaluation of Structure and Operations of Southampton Government,” October 2016

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.”

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. ⁸

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?

Term limits: Of 8 towns asked, none had term limits. Topsfield got rid of term limits for the Planning Board in 2018.

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.* ⁹

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.”¹⁰

¹⁰ https://www.eagletribune.com/news/merrimack_valley/town-meeting-voters-reject-elected-planning-board/article_43b3e74e-334d-5118-b335-3d622809000e.html

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

Article About Grafton Planning Board Change

DRAFT

EAST/VALLEY

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.

Cape towns	Planning Board	
	Elect	Appoint
1 Bourne	3	
2 Brewster	5	
3 Chatham		X
4 Dennis		X
5 Eastham		X
6 Falmouth	3	
7 Harwich		X
8 Mashpee	3	
9 Orleans		X
10 Provincetown		X
11 Sandwich	3	
12 Truro	5	
13 Wellfleet		X
14 Yarmouth		X
	6	8
	43%	57%
15 Barnstable	<i>Town Council Government</i>	

Table L-1

Island towns	Planning Board	
	Elect	Appoint
1 Aquinnah	3	
2 Edgartown	5	
3 West Tisbury	5	
4 Chilmark	5	
5 Oak Bluffs	5	
6 Tisbury	5	
7 Nantucket	5	
	7	0
	100%	0%
8 Wampanoag Tribe	<i>Tribal Council</i>	
9 Gosnold	<i>only 26 households</i>	

Table L-2

The combined Cape and Islands have:

- 13 of 21 (or 62%) of their Planning Boards elected,
- 8 of 21 (or 38%) appointed.

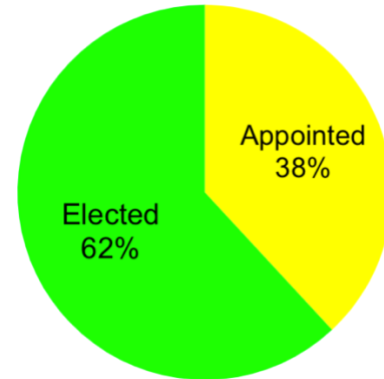
See Table L-3 below.

Of the Planning Boards that are elected:

- 62% are elected for 5-year terms,
- 38% are elected for 3-year terms.

	Planning Board	
	Elect	Appoint
Cape & Islands	13	8
	62%	38%
Terms of Elected Planning Board: Cape & Islands		
3 years	5	38%
5 years	8	62%
	13	100%

Table L-3



Sources:

The links below provide the source information for this analysis.

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https://www.capenews.net/bourne-election-ballot-2019/pdf_1d58fc20-2bdd-53ea-993b-87e1122edab4.html
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