



Planning Department

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**MEMORANDUM**

**To:** Planning Board

**Date:** October 4, 2006

**From:** Roland Bartl, AICP, Town Planner *R.B.*

**Subject:** Planning Board Associates

In the past I have advised the Board that the Chairman can designate one or both associate members to sit on the Board only for purposes of hearing and acting on special permit applications filed under the Acton zoning bylaw. This was based on the specific language in M.G.L. ch. 40A and adopted in the Acton zoning bylaw many years ago.

Recently, I have been educated that that this arrangement can now be extended to all matters before the Board, and I am not sure that I have passed this on to you. The Town Charter as amended in 2004 includes this language:

*"The chairperson of any town board or commission with associate or alternate members may designate any such associate or alternate member to sit on the board of the agency for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular board member thereof, or in the event of a vacancy on the board, until said vacancy is filled."*

Since the Town Charter rules in the absences of further definition in State law (and sometimes even overrules State law), this mechanism is now available for all matters before the Board, including the ability of the Chairman to appoint the associates to sit on the particular matters on the agenda to thus achieve a working quorum of the Board, except that this rule cannot be invoked in the case of a hearing extension where the associate was not already previously sitting.