**An Act relative to associate members of planning boards – House Bill 3555**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 9 of chapter 40A of the General Laws, as appearing in the 2020

Official Edition, is hereby amended by striking the eleventh paragraph.

SECTION 2. Section 81A of chapter 41 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Zoning ordinances or by-laws may provide for associate members of a planning board. One associate member may be authorized when the planning board consists of five members, and two associate members may be authorized when the planning board consists of more than five members. A city or town which establishes the position of associate member shall determine the procedure for filling such position. If provision for filling the position of associate member has been made, in the case of absence, inability to act, conflict of interest on the part of any member of the planning board, or in the event of a vacancy on the board the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on any matter under its jurisdiction including but not limited to this chapter, chapter 40A or under its home rule powers.

Summary

Currently, the sole mention of associate planning board members (appointed to act in place of regular members because of absence, conflict of interest, or when a seat is vacant) is in the special permit section of the Zoning Act. The Attorney General has opined that such associate members may then only act with respect to a special permit application, and no other of the many functions of a planning board. This can handicap a planning board when trying to attain a quorum to open a meeting, or when voting on other matters and permits before them. **House Bill 3555 fixes this shortcoming by establishing that associate members may act on any matter before a planning board**, mirroring the extant statutory language for associate members of zoning boards of appeal. The bill is supported by planning, development, and municipal constituencies.