

**Town of Boxborough  
Planning Board  
Administrative Rules  
and Regulations**



# Table of Contents

Article 1: Purpose, Adoption, and Amendments .....	4
Article 2: Powers and Duties of the Planning Board .....	4
Article 3: Organization: Membership, Terms of Office, Officers, and Vacancies.....	5
Article 4: Associate Member .....	6
Article 5: Duties of Officers.....	6
Article 6: Minutes .....	7
Article 7: Meetings: Time, Location, and Executive Session .....	7
Article 8: Conduct of Meetings and Public Hearings .....	8
ARTICLE XX: Communication and Distribution of Information Outside of Public Hearing. ....	8
Article 9: Quorum and Voting.....	8
Article 10: Agenda Management .....	9
Article 11: Standards of Conduct for Planning Board Members.....	10
Article 13: Site Visits .....	11
Article 14: Regulations Governing Fees and Fee Schedules .....	11
Article 15: Waivers from these Rules and Regulations.....	11
Article 16: Planning Board Personnel .....	11
Article 17: Budget and Finance.....	12
Article 18: Project Review Consultant Fees (Peer Review) .....	12
Article 19 Legal Appeals of Planning Board Decisions .....	13

## Article 1: Purpose, Adoption, and Amendments

**Section 1.1** This document sets forth the rules and regulations that govern the procedures and operations of the Planning Board and sets the procedures for submitting plans and applications to the Board. As a tool, this document serves to educate the general public and members of the Board by describing the Board's powers, duties, and operations.

**Section 1.2** These Administrative Rules and Regulations shall be duly adopted and amended from time to time, effective immediately, upon the majority vote of the Planning Board. Updated copies shall be filed immediately as described in Section 1.3.

**Section 1.3** Current copies of this document shall be retained on the Planning Board website. Printed copies are available for purchase in the Planning Department, and **are on** file with the Town Clerk.

## Article 2: Powers and Duties of the Planning Board

### **Section 2.1**

The role of the Planning Board is to provide for and manage the orderly growth and development of the community by overseeing development while encouraging preservation of the natural landscape and important land resources. The Board is responsible for ensuring that projects comply with the Zoning and General Bylaws, and align with the spirit and intent of the Boxborough Master Plan, while balancing the rights of land owners and residents and ensuring their voices are heard and respected. In addition, it is expected to adhere to the procedures described in this document in addition to all applicable state and federal laws.

### **Section 2.2**

The Planning Board is responsible for a variety of state and local regulations, including but not necessarily limited to:

Master Plan - Preparing, adopting, and amending a comprehensive Master Plan, as described in [MGL Chapter 41, Section 81D](#).

Pre and Post Construction Stormwater Management - Preparing, adopting, and amending rules and regulations to administer Article 9 § 1 of the Boxborough General Bylaw,

Road Acceptance - Review and recommendation of private right-of-way, for the appropriateness of acceptance by the Town as a public way.

Scenic Roads, Public Shade Trees and Stone Walls - reviewing and acting upon proposals for the removal or alteration of trees and stone walls within the Town's right-of-way along designated Scenic Road, In accordance with [MGL Chapter 40, Section 15C](#).

Site Plan Review - Review for certain commercial, industrial, institutional, multi-family municipal, and other non-residential projects, to ensure compliance with the Zoning Bylaw, including the imposition of reasonable conditions to protect public health, safety, and community character.

Special Permits – Review and determine the appropriateness of certain special permits, and to impose reasonable conditions to protect public health, safety, and community character, for certain use and permit types as prescribed in the Zoning Bylaw

Subdivision of Land – Preparation, adoption, and amendment of rules and regulations governing the subdivision of land, and ensuring that proposed subdivision and approval not required (ANR) plans meet said regulations, as prescribed under [MGL Chapter 41, Sections 81K-81GG](#)

Zoning Bylaw - drafting and submitting amendments to the Town of Boxborough Zoning Bylaws for consideration by Town Meeting.

**Section 2.3** Input to and from Town Departments, Boards and Commissions.

The Planning Board solicits and encourages input from, and provides input to, other Town departments, boards and commissions as required by the Town of Boxborough Zoning Bylaws, General Town Bylaws, the procedures described in this document, and all applicable state and federal laws.

**Section 2.4** Paid Consultants.

The Planning Board is responsible for hiring certified/licensed professionals or other paid consultants to provide input on specific projects when necessary and for collecting Project Review Consultant fees from applicants to cover these services, pursuant to [M.G.L., Ch. 44, §53G](#)

**Section 2.5** Additional Duties.

The Planning Board may assume additional duties as authorized by the Town of Boxborough, the Commonwealth of Massachusetts, and/or federal statute.

## Article 3: Organization: Membership, Terms of Office, Officers, and Vacancies

**Section 3.1** The Planning Board shall consist of five members each with a three-year term and one associate member as described in Article 4. The Planning Board members shall be elected in staggered terms.

**Section 3.2.** Term of office shall commence-upon election and swearing in by the Town Clerk.

**Section 3.3** The Planning Board shall elect a Chair and Clerk, with the responsibilities as described herein.

**Section 3.4** Officers shall be elected annually as the first order of business at the designated meeting after Annual Town Election. The position of Chair shall be held for not more than two consecutive years, unless no other member expresses interest in serving as the Chair.

**Section 3.5** In the event a vacancy of an elected member occurs, a new member shall be appointed jointly by the Planning Board and the Select Board in accordance with [MGL Chapter 41, Section 81A](#).

## Article 4: Associate Member

**Section 4.1** The Associate Member shall be appointed for a three-year term in accordance with Section 2.4 of the Zoning Bylaw. An Associate Member appointed to fill the term of a vacated Associate Member's position shall fill the remainder of that Associate Member's term.

**Section 4.2** The Associate Member does not have a vote, except as noted in Section 4.3, but is expected to attend all regularly scheduled Planning Board meetings and may participate in discussion for any relevant item before the Board.

**Section 4.3.** The Associate Member shall sit on the Board, when necessary, for the purpose of acting on Special Permit applications and when so designated by the Chair, and other matters as allowed by Massachusetts General Law.

## Article 5: Duties of Officers

**Section 5.1** The Chair shall preside over meetings and shall be responsible for the agenda, conduct, and decorum of the meeting. The Chair will generally engage with the Town Planner on external communications with consultants, legal counsel, applicants, potential applicants and other parties as are appropriate and necessary to conduct the business of the Board. The chair, at each meeting, shall report the official transactions that have not otherwise come to the attention of the board.

**Section 5.2** The Clerk shall assume the duties and privileges of the Chair in the absence of the Chair.

**Section 5.3** Any member may review applications to the Planning Board as they are received for technical completeness and work with the Town Planner to communicate completeness deficiencies to the Applicant within 14 days of receipt of such application.

## Article 6: Minutes

**Section 6.1** Minutes of all Planning Board meetings shall be prepared by the Planning Board Recording Secretary, Clerk or other designee in accordance with the provisions of [Massachusetts Open Meeting Law](#) and [M.G.L. Chapter 30A Section 22](#).

**Section 6.2** Minutes of open sessions shall become public record immediately, regardless of form. Minutes should be marked “DRAFT” until they are officially adopted by the Planning Board.

**Section 6.3** Approval of minutes, except executive-session minutes, shall be made in open session by a majority vote of the Planning Board members present, as soon as possible and in compliance with the Open Meeting Law. Minutes will be posted on the Town website.

**Section 6.4** Executive-session minutes remain closed to the public for as long as their publication would defeat the purpose of the session. Executive-session minutes must be made public as soon as the reason for confidentiality no longer applies and in accordance with [M.G.L. c. 30A, § 22\(g\)\(2\)](#).

**Section 6.5** Minutes may be amended to improve clarity, accuracy, and completeness, but not to re-open debate on a previously decided agenda item. Amendments must be made in open session and noted in that meeting’s minutes. Revised minutes should be marked, as amended, with the revision date.

## Article 7: Meetings: Time, Location, and Executive Session

**Section 7.1** All meetings of the Planning Board shall be held in accordance with the provisions of Massachusetts Open Meeting Law.

**Section 7.3** Meetings of the Planning Board shall typically begin at 7:00 p.m., unless the Planning Board sets a different time for a particular meeting by majority vote. Meetings are intended to adjourn on or around 10:00 PM, and no new agenda items will commence after such time, unless extended by a majority vote of the board.

**Section 7.4** Meetings of the Planning Board shall be held generally two times a month, on alternating Mondays unless calendar or schedule conflicts require this schedule be changed. Any deviations from this schedule shall be announced by the Planning Board at one of their regularly scheduled meetings and/or posted on the Town Website.

**Section 7.5** Executive sessions, as described in [M.G.L. c. 30A, § 21](#), Meeting of Public Body in Executive Session, will be scheduled at the discretion of the chair.

## Article 8: Conduct of Meetings and Public Hearings

**Section 8.1** The Chair shall apply rules of parliamentary procedure, as outlined in *Robert's Rules of Order*, to maintain order and decorum as may be necessary to promote efficient time management, as well as professional conduct of Planning Board business, guided by a desire to obtain all relevant facts and testimony and to engage public input on matters before the Planning Board.

**Section 8.2** During public hearings or public meetings considering applications for ANRs, site plans, special permits or subdivisions, the applicant shall be recognized for presentation, followed by the comments, questions, and concerns of the Planning Board members, followed by abutters, and any other parties of interest in attendance.

**Section 8.3** The Chair shall reserve the right to limit presentations to those that are relevant to matters being discussed. Comments by the public shall be encouraged, but limited in time in the interest of preserving an efficient process, unless otherwise allowed at the discretion of the Chair.

## ARTICLE 9: Communication and Distribution of Information Outside of Public Hearing.

**Section 9.1.** The Town Planner shall be the general point of contact and coordinator of communication among the board and with external parties. The Town Planner shall share relevant and pertinent correspondence and communication with the Board as soon as possible after that information is received.

**Section 9.2.** All third-party communication with the Board, other than at a hearing or scheduled public meeting, shall be in writing, addressed to the Board in care of the Town Hall. It is understood that communication with outside parties is necessary and the Town Planner shall coordinate with the Chair to support such communication. Notice of such communication shall be shared with the full Planning Board at their next meeting.

## Article 10: Quorum and Voting

**Section 10.1** A quorum of three physically present members of the Planning Board shall be required to conduct business, unless otherwise permitted by state law

**Section 10.2** All votes must take place at a Planning Board meeting, either in person or remotely, as permitted by state law.

**Section 10.3** Planning Board members present as permitted by state law may be counted to determine whether a quorum is present, even if they abstain from voting. If the Planning Board



member is recusing him/herself due to conflict of interest, he/she cannot be counted as being present for the quorum for that portion of the meeting for which he/she is disqualified by reason of conflict of interest.

**Section 10.4** A tie vote defeats a motion.

**Section 10.5** Planning Board votes shall be a simple majority of those present and voting, except for Special Permits which require a “super majority.”

**Section 10.6** A “super majority” of a five-member Planning Board is four. This number is required for passage of a motion regardless of the number of Members present. The Associate Member may vote on a Special Permit if their vote is needed to create a “super majority” and they fulfill the requirements of Section 9.7.

**Section 10.7** The Associate Member may vote on a Special Permit only if they have attended all relevant Public Hearings, either in person or remotely, in accordance with the Mullin Rule, [MGL Chapter 39, Section 23D\(a\)](#), and have been designated to participate in the Public Hearing by the Chair.

## Article 11: Agenda Management

**Section 11.1** The Planning Department, in consultation with the Chair, shall be responsible for management of meeting agendas.

**Section 11.2** The Planning Department shall prepare a package of correspondence and supporting documents which shall be provided electronically to all Planning Board members for review within no less than three (3) working days prior to the meeting at which they will be considered. Hard copies of this packet shall be provided ahead of time at a Member’s request, else placed in front of each member’s chair prior to each meeting unless the Planning Board member states they do not need the hardcopies printed.

**Section 11.3** The Planning Department shall not schedule any application package for review at a Planning Board meeting or public hearing until the application package is complete according to the requirements specified elsewhere in this document or in companion documents identifying the process for such application and review.

**Section 11.4** Applications, whether new or revised, shall be submitted by an applicant with sufficient time to allow review by the Planning Board, but no less than two weeks prior to the scheduled Planning Board meeting or hearing submittal deadline unless otherwise determined by the Chair. Applications requiring review and response by other Town boards, commissions, etc. must be submitted a minimum of 45 days prior to the scheduled Planning Board meeting or hearing submittal deadline unless otherwise determined by the Chair.

**Section 11.5** Any revisions to submitted plans (including, but not limited to, updates to plan sheets, stormwater calculations, drainage plans, etc.) for Site Plans, Special Permit Plans, and/or Preliminary/Definitive Subdivision Plans, already scheduled or in the review process, must be received by the Planning Board at least five (5) business days prior to the meeting or hearing at which the project is to be considered. The Planning Board reserves the right to postpone consideration of any new information submitted after this deadline by continuing the plan review meeting or hearing to the next available date. All plan revisions shall include the original filed date and the revision date.

**Section 11.6** In addition to paper sets of plans, all Site Plans, Special Permit Site Plans, and Preliminary and Definitive Subdivision Plans must be submitted to the Planning Board in electronic format at the same time paper plans are submitted, according to the respective deadlines for such plans as specified elsewhere in these Rules and Regulations. Electronic documents and plans shall be submitted as pdfs, unless permission is granted for another format.

## Article 12: Standards of Conduct for Planning Board Members

**Section 12.1** Planning Board members are obligated to serve the public interest, to conduct themselves so as to maintain public confidence in the Planning Board, to meet the fundamental responsibility of fairness, and to comply with all statutory regulations.

**Section 12.2** Planning Board members and Associate member are expected to attend all scheduled Planning Board meetings, public hearings, etc. If attendance is not possible, the member/Associate member shall notify the Planning Board Chair and the Planning Department in advance of the meeting.

**Section 12.3** Members of the Planning Board shall conduct themselves in accordance with [MGL Chapter 268A \(Conduct of Public Officials and Employees\)](#), planning board members are required to maintain their training, as prescribed by [MGL Chapter 268A Section 28](#).

**Section 12.4** It is important to ensure that Planning Board members are not, or do not appear to be, communicating privately during Planning Board meetings and public hearings. Strict adherence to Open Meeting Law shall be required, in accordance with [MGL Chapter 30A Sections 18 through 25](#), and its associated regulations.

**Section 12.5** Individual Planning Board members shall not meet to discuss Planning Board business or matters currently before the Planning Board with an applicant and/or their representative outside of a Planning Board meeting unless authorized to do so by the

Planning Board Chair or their designee. For administrative purposes, only the Chair, or their designee, may meet jointly with the Planning Department, the applicant, and/or their representative. All other members of the Planning Board shall be notified of such meeting prior to, or if time does not permit, immediately after such meeting occurs, at the next public meeting of the Board.

## Article 13: Site Visits

**Section 13.1** A “site visit” is defined as a visit by the Planning Board to a location that is the subject of an application before the Planning Board. All site visits shall be subject to Open Meeting Law, and duly noticed. The owner and applicant shall be notified at least 48 hours in advance of a site visit, and are encouraged to be present throughout.

**Section 13.2** No formal motions shall be made, deliberations undertaken, nor votes taken, during a site visit.

## Article 14: Regulations Governing Fees and Fee Schedules

**Section 14.1** The Planning Board may annually review and revise its rules, regulations, and fee schedules. Such changes shall occur by majority vote of the Planning Board members present at a scheduled meeting. The Planning Department Assistant is responsible for immediately filing a copy of the changes with the Town Clerk, at which time they shall become effective.

**Section 14.2** The Planning Board may impose reasonable fees for the review of applications which come before it. These include Project Review Consultant Fees as described in Article 28.

## Article 15: Waivers from these Rules and Regulations

The Planning Board may waive any of the provisions contained herein by majority vote of the members present in circumstances where their strict implementation would be detrimental or counterproductive to the issue before it, and where such waiver would not be in violation of any local or state regulation, bylaw, or statute. Waiver requests must be received in writing, and will be voted upon at a regularly scheduled meeting. The vote of the board shall be reflected in the minutes of the meeting and record of the particular case to which it applies.

## Article 16: Planning Board Personnel

**Section 16.1** The Planning Board may employ staff positions such as a Town Planner, Department Assistant, and any other position that is deemed necessary to accommodate

department needs, identified in [MGL 41 Section 81A](#) and as approved through the appropriate Town process.

**Section 16.2** A Town Planner's primary responsibilities are to carry out the Town's development review process, to manage the administrative and planning operations of the Planning Board, and to carry out the duties and responsibilities identified in the job description for this position.

**Section 16.3** The primary responsibilities of the Department Assistant are to assist the Planning Board with processing and tracking applications, to oversee the day-to-day financial and communication operations of the Planning Board, and to carry out the duties and responsibilities identified in the job description for this position. The Planning Department Assistant position, as currently designed, also works with the Zoning Board of Appeals and the Conservation Commission and reports directly to the Town Planner.

## Article 17: Budget and Finance

The Chair, or their designee, is responsible for preparing the annual Planning Board budget and managing the Planning Board budget and accounts with assistance from the Town Planner.

The Planning Board shall review its budget annually as part of the Town annual Budget process. The Board shall vote annually on its proposed budget and submit such budget to the Town Administrator for inclusion in the Town annual budget to be presented at Town Meeting.

The Planning Board shall vote by majority vote to approve any expenditures from its Budget prior to such expenditures occurring.

The Planning Board shall review all invoices charged to its budget and must vote to approve all invoices charged to the Planning Board's budget.

The Town Planner shall be responsible for sharing all invoices with the Planning Board in a timely manner to ensure that invoices are reviewed and paid expeditiously. The Town Planner shall report the status of the Planning Board's budget to the Board at least twice a year or upon request by the Board.

## Article 18: Project Review Consultant Fees (Peer Review)

**Section 18.1** The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact, or particular land use warrants retaining the services of

licensed professionals and/or independent consultants in a given field. Such consultants shall provide professional guidance to assist the Planning Board with the review and analysis needed to make informed decisions that comply with all relevant laws and regulations. The Planning Board shall select and retain for a reasonable fee such consultants at the expense of the applicant.

**Section 18.2** Outside consultants may be retained to assist the Planning Board with Special Permit, Site Plan, and Subdivision applications under [MGL Chapter 40A, Section 9](#), and [MGL Chapter 44, Section 53G](#).

**Section 18.3** Project Review Consultant Fees shall be based upon an estimated review cost. Upon notice of receipt, Review Fees shall be deposited in an account established pursuant to [MGL Chapter 44, Section 53G](#). No decision shall be granted until such fees have been paid in full by the applicant.

**Section 18.4** Appeals.

- A. The Planning Department shall notify the applicant of the consultant selection prior to initiation of consultant efforts. As provided in [MGL Chapter 44, Section 53G](#), the applicant may appeal the selection of the consultant to the Select Board on grounds that the consultant selected has a conflict of interest or does not possess the required minimum qualifications.
- B. To initiate an appeal, the applicant must notify the Town Clerk within seven (7) calendar days of notice of the selection. If no decision is rendered by the Select Board within one month of said appeal, then the Planning Board consultant selection shall prevail.
- C. The required time limits for action by the Planning Board on an application shall be extended by the time needed to resolve the appeal. Such an appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided in [MGL Chapter 44, Section 53G](#).

**Section 18.5** Failure of an applicant to pay Project Review Consultant Fees determined by the Planning Board may be grounds for application disapproval.

## Article 19 Legal Appeals of Planning Board Decisions

**Section 19.1** The Planning Board shall be informed when an Applicant appeals a Planning Board Decision by the Town Planner as soon as the appeal is filed or by the next Planning Board meeting.

**Section 19.2** Planning Board members shall be informed about their legal liability and indemnification under the Town's insurance by Town Counsel or the Town Administrator annually. Such notification shall be made following an election and appointment of officers.

**Section 19.3** Planning Board members may request to meet with counsel as needed and periodically kept apprised of the status of any appeal. Such meetings, which may be in Executive Session as allowed under [MGL 30A Section 21](#) shall be arranged at the discretion of the Chair and in consultation with Counsel.

**Section 19.4** The Planning Board shall be informed by the Town Planner, Town Administrator or Legal Counsel once a legal case against the Planning Board has been closed, along with a description of the outcome within 30 days of such decision.