

Education411 Newsletter

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TOWN FORUM ON APRIL 4th



Superintendent John Antonucci will host a community forum on Wednesday April 4th 7PM at the High School.

There will be a brief presentation and then the community will be able to ask questions.

Quick Links...

- [School Budget Documents](#)

PLANNING BOARD ELECTION CLARIFICATION

Education411 received a question from a Westwood resident regarding comments made by a FinCom member about the upcoming Planning Board election. Education411 paraphrased the comments in the March 18 newsletter as follows: [\(click here for 3/18 newsletter\)](#)

In order to vote on the approval of the special permit (Westwood Station), Planning Board members had to attend all meetings. In the event a Planning Board seat changes, the vote cannot take place and CCF would have to file a new permit and the entire process would have to start over. The vote would be delayed a minimum of one year.

QUESTION

The reader took issue with the language, contending that the change of one Planning Board seat would not preclude a vote from taking place. Further, if two seats changed, the reader contended that the delay in voting would be approximately 6-8 weeks not a minimum of a year. We are grateful for the reader contacting us and bringing this issue up for discussion.

BACKGROUND

CCF has a pending application for a special permit under MGL 40A. The Town's Planning Board consists of 5 members of which 2 members are up for election. Rob Malster, who serves as the Chairman of the Planning Board, is up for re-election and Bruce Montgomery, who was appointed last Spring by the Selectmen to fill a vacancy, is up for election. The election date is April 24th. A Special Permit application in Westwood requires a vote of 4 of the 5 Planning

- [Education411](#)
- [State Aid to Education Meeting Summary](#)

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Board members to be approved.

Under Massachusetts law, in order for a Planning Board member to be eligible to vote, the member must have attended all meetings on the application for which testimony was taken. This rule is known as the "Mullin Rule" and stems from an Appeals Court decision, Mullin v. Planning Board of Brewster, 17 Mass. App. Ct. 139 (1983). The rule states that when members of a board or agency are acting in a quasi-adjudicatory manner, each member who participates in the decision must have heard all the evidence first-hand. In the Mullin case, the Appeals Court decided that a Planning Board was acting in a quasi-adjudicatory fashion when it considered an application for a special permit, and therefore members who did not attend all portions of the hearing were disqualified from voting. Note: in 2006, then Governor Romney signed an act modifying the so-called "Mullin Rule." The new law is subject to local option and, in fact, Westwood's Town Meeting this year will consider whether to adopt the modified rule which permits a board member to miss one meeting under certain circumstances.

ANSWER

Based on the above, it is clear that a change of one seat will not automatically require a restart of the application consideration. A change of two seats would compel a restart since there would be no way to even attempt to have 4 members who attended all meetings. If two members were replaced, the term of the two new members would begin at the adjournment of Town Meeting. The CCF application filed in December would need to be filed again and would of course reflect much of the discussions and comments over the past few months. Consideration on a new application could begin soon after Town Meeting. Clearly there would be a delay but any delay would be much closer to several weeks or a few months not 12 months.

We thank the reader who submitted the question and welcome any additional comments or questions.

VOTER INFORMATION

Tuesday April 17, Special State Primary. Last day to change party or register to vote in this primary is 3/28.

Tuesday April 24, Town Election. Last day to register to vote in the Town Election is 4/4.

Tuesday May 15, Special State Election. Last day to register to vote in special state election is 4/25.

Residents already registered do not need to re-register unless they want to change political party for the Special Primary. For more information, call the Town Clerk's Office at 781-320-1013. **Absentee ballots can be obtained by mail or in person. Absentee ballots need to be received by the Town Clerk's office by noon on the day of the election.**

UPCOMING MEETINGS

Wednesday, 4/4 7:30AM Westwood High School PTO invites you to a meeting with Superintendent Antonucci regarding the 2007-8 budget. The meeting will be held in the WHS Faculty Lounge. RSVP to Leslie Warner-Maloney at 781-251-9310 or lwarnermaloney@aol.com.

Wednesday, 4/4 7PM Community Budget Forum hosted by John Antonucci, High School

Thursday, 4/26 7:30PM School Committee Meeting, High School

Monday May 7 7:30PM Town Meeting, High School. Continues on May 8.

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