

**Chap. 738 of the Acts of 1971**

**AN ACT PROVIDING FOR REDEVELOPMENT BOARD AND ABOLISHING THE  
PLANNING BOARD AND BOARD OF PUBLIC WELFARE IN THE TOWN OF  
ARLINGTON.**

Be it enacted, etc., as follows:

Section 1. Chapter 503 of the acts of 1952 is hereby amended by striking out section 17 and inserting in place thereof the following section: —

Section 17. Appointment of Redevelopment Board. — The redevelopment board shall consist of five members, four to be appointed by the town manager, subject to the approval of the board of selectmen, and one to be appointed by the department of community affairs, hereinafter in this section referred to as the department. One of said persons shall be appointed to serve for an initial term of one year, two of said persons shall be appointed to serve for an initial term of two years and one of said persons shall be appointed to serve for an initial term of three years. The member appointed by the department shall serve for an initial term of three years. Thereafter, as the term of a member expires, his successor shall be appointed in the same manner and by the same body for a term of three years from such expiration. The members shall serve until their respective successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the redevelopment board, the vacancy shall be filled forthwith in the same manner and by the same body for the unexpired term. The town manager may make or receive written charges against, and may accept the written resignation of, any member appointed by the town manager or a former town manager or may, after hearing and with the approval of the board of selectmen, remove any such member because of inefficiency, neglect of duty or misconduct in office. Such member shall be given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against him and written notice of the date and place of the hearing to be held thereon, and at the hearing he shall be given the opportunity to be represented by counsel and to be heard in his defense. The town manager may make and receive written charges against the member of the redevelopment board appointed by the department and refer the same to the department which will proceed in the same manner as the town manager and the board of selectmen. Pending final action upon such charges, the officer or officers having the power to remove such member may temporarily suspend him, provided they shall immediately reinstate him in office if they find such charges have not been substantiated, and may appoint a person to perform the duties of such suspended member until he is reinstated or removed and his successor is qualified. In case of any such removal, the removing authority shall forthwith deliver to the clerk of the town attested copies of such charges and of its findings thereon and the clerk shall cause the same to be filed with the department and the state secretary. Membership shall be restricted to residents of the town and a member who ceases to be a resident of the town shall be deemed to have resigned effective upon the date of his change of residence.

Members of the board shall be sworn to the faithful performance of their duties by the town clerk or a justice of the peace. The board shall organize for the proper conduct of its duties, shall elect from among its members a chairman and a vice-chairman, shall appoint such other officers and agents as it deems necessary, shall determine their respective duties and may delegate to one or more of its members, officers or agents such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. The director of planning and community development, hereinafter called the director, shall be ex officio the secretary of the board. The director shall be appointed by the town manager to serve at his pleasure; neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to the director.

The town, acting by and through the redevelopment board, shall, except as herein specifically provided otherwise, be and have all the powers of an operating agency subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, and have such further powers and be subject to such further limitations as would from time to time be applicable to a redevelopment authority if such an authority had been organized in the town; provided, however, that notwithstanding sections eleven, forty-seven and forty-eight of said chapter one hundred and twenty-one B, no urban renewal project or rehabilitation project shall be undertaken by the redevelopment board, nor shall any property be acquired for any such project by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting; and provided further, that the redevelopment board shall not borrow or agree to borrow money without the approval of an annual or special town meeting. Without limiting the generality of the foregoing, the town, with the approval of an annual or special town meeting, may raise and appropriate, or may borrow, or may agree to raise and appropriate or to borrow, or may do or agree to do other things, with or without consideration, in aid of any project or activity planned or undertaken by the redevelopment board to the same extent and subject to the same limitations as if the board were a redevelopment authority. Nothing herein shall, however, alter or limit the powers and rights of the town or any other operating agency therein with respect to the powers and limitations in sections twenty-five to forty-four, inclusive, of said chapter one hundred and twenty-one B.

Section 2. Upon the effective date of this act the terms of office of the members of the planning board of the town shall be terminated. The redevelopment board shall have all the powers and perform all the duties heretofore conferred or imposed on the town planning board by statute or by-law or otherwise and shall further have the powers and perform the duties from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section seventy of chapter forty-one. All property in the care and custody of the planning board and all appropriations of the town for the use of the planning board shall be transferred to the care and custody of and vested in the redevelopment board; and for all purposes, including without limitation those of chapters forty-one and one hundred and twenty-one B of the General Laws, the redevelopment board shall be deemed to be a continuation of the existing planning board of the town.

Section 3. Said chapter five hundred and three is hereby further amended by striking out section eighteen.

Section 4. This act shall take effect upon passage.

Approved September 9, 1971,

## **Arlington Town Manager Act**

### **Section 17. Appointment of Redevelopment Board.**

The Redevelopment Board shall consist of five members, four to be appointed by the Town Manager, subject to the approval of the Select Board, and one to be appointed by the department of community affairs, hereinafter in this section referred to as the department. One of said persons shall be appointed to serve for an initial term of one year, two of said persons shall be appointed to serve for an initial term of two years, and one of said persons shall be appointed to serve for an initial term of three years. The member appointed by the department shall serve for an initial term of three years. Thereafter, as the term of a member expires, their successor shall be appointed in the same manner and by the same body for a term of three years from such expiration. The members shall serve until their respective successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the Redevelopment Board, the vacancy shall be filled forthwith in the same manner and by the same body for the unexpired term. The Town Manager may make or receive written charges against, and may accept the written resignation of, any member appointed by the Town Manager or a former Town Manager or may, after hearing and with the approval of the Select Board, remove any such member because of inefficiency, neglect of duty, or misconduct in office. Such member shall be given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against them and written notice of the date and place of the hearing to be held thereon, and at the hearing they shall be given the opportunity to be represented by counsel and to be heard in their defense. The Town Manager may make and receive written charges against the member of the Redevelopment Board appointed by the department and refer the same to the department which will proceed in the same manner as the Town Manager and the Select Board.

Pending final action upon such charges, the officer or officers having the power to remove such member may temporarily suspend them, provided they shall immediately reinstate them in office if they find such charges have not been substantiated, and may appoint a person to perform the duties of such suspended member until the member is reinstated or removed and their successor is qualified. In case of any such removal, the removing authority shall forthwith deliver to the clerk of the town attested copies of such charges and of its findings thereon and the clerk shall cause the same to be filed with the department and the state secretary. Membership shall be restricted to residents of the town and a member who ceases to be a resident of the town shall be deemed to have resigned effective upon the date of their change of residence.

Members of the board shall be sworn to the faithful performance of their duties by the Town Clerk or a Justice of the Peace. The board shall organize for the proper conduct of its duties, shall elect from among its members a chairperson and a vice-chairperson, shall appoint such other officers and agents as it deems necessary, shall determine their respective duties and may delegate to one or more of its members, officers or agents such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. The director of planning and community development, hereinafter called the director, shall be ex-officio the secretary of the board. The director shall be appointed by the Town Manager to serve at their pleasure; neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to the director.

The town, acting by and through the Redevelopment Board, shall, except as herein specifically provided otherwise, be and have all the powers of an operating agency subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, and have such further powers and be subject to such further limitations as would from time to time be applicable to a redevelopment authority if such an authority had been organized in the town; provided, however, that notwithstanding sections eleven, forty-seven and forty-eight of said chapter one hundred and twenty-one B, no urban renewal project or rehabilitation project shall be undertaken by the Redevelopment Board, nor shall any property be acquired for any such project by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting; and provided further, that the Redevelopment Board shall not borrow or agree to borrow money without the approval of an annual or special town meeting. Without limiting the generality of the foregoing, the town, with the approval of an annual or special town meeting may raise and appropriate, or may borrow, or may agree to raise and appropriate or to borrow, or may do or agree to do other things with or without consideration, in aid of any project or activity planned or undertaken by the Redevelopment Board to the same extent and subject to the same limitations as if the board were a redevelopment authority.

Nothing herein shall, however, alter or limit the powers and rights of the town or any other operating agency therein with respect to the powers and limitations in sections twenty-five to forty-four, inclusive, of said chapter one hundred and twenty-one B.

The Redevelopment Board shall have all the powers and perform all the duties presently or from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section eighty-one A of chapter forty-one of the General Laws and the town of Arlington shall be deemed to have a planning board established under said section eighty-one A and shall be empowered to take such actions and shall have such powers and perform such duties as it if had established a planning board under said section eighty-one A, except that the Redevelopment Board shall not have any of the powers or perform any of the duties of, or in conflict with the powers or duties of, a board of survey all of which powers and duties shall continue to be exercised and performed by the Select Board constituted as a board of survey unless and until such town by vote of a town meeting shall vote to terminate the existence of the board of survey or to accept the provisions of the subdivision control law contained in sections eighty-one K to eighty-one GG, inclusive, of said chapter forty-one and any amendments thereof or additions thereto, and the subdivision control law shall not be or be deemed to be in effect in such town unless and until such town by vote of a town meeting shall vote to accept the provisions thereof.