

Alignment Memorandum 4: Licenses and Permits

Sean Casey/July 21, 2025

Background: There are topics that are touched on in more than one section or article of the draft charter. For example, town elections are covered in Article 10 (*Elections*), Section 4.1 (*Select Board*), Section 6.9 (previously Section 5.9, *Town Clerk*), and Section 7.2 (previously Section 6.2, *Board of Registrars of Voters*). A change in verbiage in any of these articles/sections potentially impacts other articles or sections.

Similarly, in Articles 6 and 7 especially, there are a number of similar sentences across multiple sections. For example, all of the sections in Article 6 begin with a sentence on the board/committee/commission/official's composition. Of the 11 sections in Article 6, nine are composed of members elected to three-year terms. Therefore, the "composition" sentence in each section should use identical/very similar verbiage, unless there is a reason not to (for example the number of members may be different).

To assist in the Committee's review of Draft B, there will be a series of short alignment memorandums that highlight areas where editing a specific sentence in a specific section may create alignment issues elsewhere in the draft charter, or where editing will better align language across sections.

Nine of the boards/committees/commissions in Articles 4, 6 (previously 5) and 7 (previously 6) have the subsection **Licenses and Permits**. The licenses and permits (and other types of approvals) themselves are significantly different (and the degree to which there are specifications in state or town laws vary as well), so it is expected that the verbiage will need to differ. See the annotation in the individual sections for background and details.

Still, we should consider consistency in verbiage and level of detail in reviewing these.

Select Board (Section 4.1)
14. The Select Board shall be the licensing and permitting authority for the town, unless specific authority is designated elsewhere in the laws of the Commonwealth or laws of the town, and shall carry out its licensing and permitting responsibilities in accordance with the laws of the Commonwealth and laws of the town.
15. The Select Board shall establish procedures regarding the issuance of licenses and permits.
16. The Select Board may attach reasonable conditions and restrictions to a license or permit that it deems in the public interest.
17. The Select Board shall have discretion to exercise authority to enforce conditions, restrictions, and laws relating to businesses, entities, and individuals for which it issues licenses and permits, including the continued use, maintenance, or revocation of such licenses or permits.
18. The Select Board may delegate its licensing and permitting authority unless specifically prohibited by law.
Board of Health (Section 6.3)
16. The Board shall be responsible for the issuing of licenses and permits related to public health, sanitation, and live fowl, subject to the laws of the Commonwealth, and as enumerated in the laws of the town.
17. The Board shall establish procedures regarding the issuance of licenses and permits.
18. The Board may attach reasonable conditions to a license or permits that it deems in the public interest.
19. The Board shall have discretion to exercise authority to enforce conditions, restrictions, and laws related to licenses and permits which it issues, including the continued use, maintenance, or revocation of such licenses or permits.
20. The Board may delegate its licensing and permitting authority unless specifically prohibited by law.

Recreation and Parks Commission (Section 6.7)
<p>12. The Commission shall be responsible for issuing permits it deems necessary for use of those public areas, playgrounds, buildings, and facilities under its control, subject to the laws of the Commonwealth and laws of the town.</p> <p>13. The Commission shall establish procedures regarding the issuance of permits subject to the laws of the Commonwealth and laws of the town.</p> <p>14. The Commission may deny a permit or attach reasonable conditions and restrictions to a permit that it deems in the public interest.</p> <p>15. The Commission may delegate its permitting authority unless specifically prohibited by law.</p>
Town Clerk (Section 6.9)
<p>14. The Town Clerk shall establish and publish procedures regarding licenses and fees issued under the Town Clerk's authority, as provided by the laws of the Commonwealth and laws of the town.</p>
Planning Board (Section 6.10)
<p>7. The Board shall be responsible for approvals and permits related to development and zoning, subject to the laws of the Commonwealth and the laws of the town.</p> <p>8. The Board may attach reasonable conditions and restrictions to such approvals and permits that it deems in the public interest.</p>
Water and Sewer Commission (Section 6.11)
<p>13.5 The Commission shall be the licensing and permitting authority for licenses, permits, and approvals related to sewer and water connections; and shall carry out its licensing, permitting, and approval responsibilities in accordance with the laws of the Commonwealth and laws of the town.</p> <p>14. The Commission shall establish procedures regarding the issuance of licenses and permits; and granting of approvals.</p> <p>15. The Commission may attach reasonable conditions and restrictions to a license, permit, or approval that it deems in the public interest.</p> <p>16. The Board may delegate its licensing, permitting, and approval authority unless specifically prohibited by law.</p>
Board of Appeals (Section 7.1)
<p>7. The Board shall be responsible for the issuing of variances and special permits related to zoning, consistent with the laws of the Commonwealth and laws of the town.</p> <p>8. In approving a variance, the Board may attach reasonable conditions concerning time, use, and safeguards which the Board deems necessary to protect the surrounding neighborhood and the public interest.</p> <p>9. The Board may attach reasonable conditions and restrictions to special permits which the Board deems in the public interest, consistent with the laws of the Commonwealth and laws of the town.</p>

Conservation Commission (Section 7.4)
<p>9. The Commission shall be responsible for the issuing of permits, and other written decision documents, related to wetlands protection, and use of Marblehead conservation lands, subject to the laws of the Commonwealth and laws of the town.</p> <p>10. The Commission may attach reasonable conditions and restrictions to permits which the Commission deems in the public interest, consistent with the laws of the Commonwealth and laws of the town.</p> <p>11. The Commission shall have discretion to exercise authority to enforce the laws for which it issues permits, subject to the laws of the Commonwealth and laws of the town.</p>
Old and Historic Districts Commission (Section 7.9)
<p>7. The Commission shall grant or deny applications for certificates of appropriateness consistent with the laws of the Commonwealth and laws of the town.</p> <p>8. The Commission shall establish procedures regarding the issuance of certificates of appropriateness consistent with the laws of the Commonwealth and laws of the town.</p>