

Town of Norwell
BYLAW REVIEW COMMITTEE
Meeting Minutes of January 17, 2018

MEETING DATE: Wednesday, January 17, 2018
TIME SCHEDULED: 7:00 P.M.
LOCATION: Gym/Osborn Room
MEMBERS PRESENT: Sally I. Turner, Chair (at large)
Lois S. Barbour, Vice-Chair (ZBA)
Brian M. Greenberg (at large)
John Litchfield, Board of Health
TOWN REPRESENTATIVES PRESENT: Robert W. Galvin, Town Counsel
MEMBERS ABSENT: Jason Brown, Board of Selectmen
(BoS meeting)
Donald A. Mauch, Planning Board
David M. Osborne, Clerk (Conservation
Commission)

Chair Turner called the meeting to order in the Gym at 7:06 P.M. Town Counsel had been invited to join in discussions relating to the recodification and was introduced to the Committee's newest member.

AGENDA: Upon a motion duly made and seconded, members present **VOTED** to approve the agenda, as written.

MINUTES: Upon a motion duly made and seconded, members present **VOTED** to approve the minutes of 1/3/18, with reading of the minutes waived after a short discussion with Town Counsel about the appropriateness of recording times of arrival or departure of members from a meeting. Attorney Galvin indicated this is common practice in many towns and important to the official record of any proceeding, especially during critical discussions and votes.

DISCUSSION: The purpose of the meeting was to discuss Town Meeting articles needed for the recodification vote on the Town's General and Zoning Bylaws. Additionally, members of the BLRC had previously been invited to meet jointly with the Board of Selectmen to provide a status update on the recodification of the Town's General and Zoning Bylaws, scheduled on both agendas at 7:45 P.M. in the Osborn Room.

General Code: Chair Turner advised that all information discussed at the Committee's last meeting was sent to the Town's General Code editor Deb Tuszynski on Friday, 1/12/18, in order for her to begin incorporating final revisions provided in the "Editorial and Legal Review". Hopefully, the final document can be completed in time for consideration by the 2018 ATM.

Table of Contents: Chair Turner received a response from General Code about the Committee's recommended change to "Part II: Licensing of Occupations" voted at its meeting on 1/3/18. Part II will now become a reserve section with the Committee's

requested changes to be incorporated into a revised Table of Contents and reorganized in the final document.

ATM Warrant Articles: Town Counsel discussed with members the warrant articles needed to adopt the recodification of the Town's General and Zoning Bylaws and also provided examples from the recodification votes about a year ago for the Town of Marshfield with which he was involved. (General Code was also the consultant for Marshfield.) Any changes not included in the recodification articles will require separate articles that could be incorporated into an additional omnibus article.

Articles Proposing Amendments to current General Bylaw or Zoning Bylaw: Town Counsel noted that any proposed articles to the current documents should be worded so that such are appropriately placed within the new numbering system. This is also a concern for any 10-citizen petition that may be brought forward. Mr. Galvin indicated he would provide wording to the Town Clerk in the event any 10-citizen petition is presented. There were many substantive changes brought to light during the BLRC review process, such as the Aquifer Protection District Bylaw that Member Litchfield confirmed the Board of Health had voted should be removed from the ZBL due to significant changes in federal and state laws and regulations. However, this recommended change has not been acted upon and will need to be the subject of a future warrant article.

General Code – Clarification Questions: In order to respond to General Code's questions about last year's ATM articles relating to prohibition of recreational marijuana placement in the recodification, Attorney Galvin agreed in the Zoning Bylaw reference should be included in the relevant "District Regulations" for each district; specifically, the existing: "Prohibited Home Occupations" in residential districts and "Prohibited Uses" in all business districts. A similar prohibition article needs to be incorporated into the General Bylaw, as well.

As it was close to 7:45 P.M., members present concluded their discussion and moved the meeting from the Gym to the Osborn Room per the scheduled meeting with the Board of Selectmen and to adjourn following that discussion.

JOINT MEETING WITH THE BOARD OF SELECTMEN: As previously agreed, the Board of Selectmen scheduled a joint meeting with the BLRC on January 17, 2018, at 7:45 P.M. to discuss Committee progress and priorities.

General Code Status Report: Chair Turner introduced members present and provided an update of the Board's progress with General Code. Responses to the "Editorial and Legal Analysis Review" questions for the Town's General and Zoning Bylaws have been submitted to General Code. The approval process for ATM was also reviewed with General Bylaw articles requiring a majority vote and Zoning Bylaw articles requiring a two-thirds vote. Recodification will require four articles while other substantive changes will require additional articles.

Board/Commission/Committee Rules and Regulations: Board, commission, and committee rules and regulation do not require Town Meeting approval. Rules updates

submitted to General Code are currently limited to minor changes to those of the Conservation Commission and the Board of Appeals. However, members learned in a fortuitous encounter with Cemetery Committee Chair Wendy Bewabe on its way to the BoS meeting, that she anticipates it will be able to approve its recently significantly revised rules to submit to General Code for inclusion in the revision documents. All departments, boards, commissions, and committees have been responsive to the current review effort. Many are in the process of reviewing and significantly overhauling rules and regulations, including fines fees. Some revisions will be accomplished within a relatively short period of time, while others will take significantly longer.

Current Priority Concerns – Zoning: Discussion of the sign bylaw and its enforcement was again raised with the BLRC noting the U.S. Supreme Court case of Reed that requires caution in proceeding with any change. It was noted the Common Driveway Bylaw (zoning) continues to be an area of concern. The Board of Selectmen mentioned potential affordable housing fixes such as inclusionary zoning, by-right apartments, and alternative developments as areas to be explored further. Floor-to-area ratio and the OSRD bylaw were also noted as areas for further exploration.

ADJOURNMENT: The meeting was adjourned at approximately 8:30 P.M.

NEXT SCHEDULED MEETING: TBD

These minutes have been approved with reading of the minutes waived by unanimous vote of the Norwell Bylaw Review Committee at a public meeting duly noticed and held on _____, in accordance with the Massachusetts Open Meeting Law.

Signed: _____


Clerk/Alternate Clerk

Date: _____

3/19/18

Copy filed with: Office of Town Clerk

Copies to:

- Board of Selectmen/Town Administrator*
- Conservation Commission/Conservation Agent*
- Planning Board/Town Planner*
- Board of Health/Health Agent*
- Board of Appeals*
- Inspector of Buildings*
- Board of Water Commissioners*

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