

Bylaw Review Committee Minutes of November 7, 2022.

Bylaw Committee Meeting opened at 7:03 pm via Zoom.

Members present: Chair Dan Lieber; Vice Chair Lieber; Kevin York; Katherine Howitt; Joseph Pride; Lucy; and Eric Reid. Members of the public present, Town Counsel and Bob Vincent.

Kevin moved to accept minutes from 10/17/22; Ann Santos seconded. Roll Call vote. Unanimous to accept minutes.

No Boards, Committees, and Commissions have submitted comments on Chapter 9.

Moderator has not submitted comments on Chapter 3.

Chapter 51 – Eric Reid would like to present updates. Chair asked Eric to present his comments before the full committee as it would be best for him to provide his proposals. Chapter 51 comments deferred until the next meeting.

Theo Noell from Planning Board joined meeting. Streets renaming and numbering warrant coming from Planning Board. The goal is to work together to meet core needs of bylaws. Theo Noell thanked Bylaw committee and Tom Mullen for working together. Planning Board wishes to resolve the issue of the proposal for streets renaming and numbering in an expedient manner, prior to the November 19th Town Meeting.

Chair Lieber asked to open up the discussion on the warrant and asked Town Counsel if concerned could be fixed by a floor amendment. Theo Noell went through Bylaw Committee's notes on the Proposed Street Name Change Bylaw.

Comments on Section a – Eligible Streets and Names. To add introductory language suggesting that citizens have a right of appeal, consistent with the state statute, and pointing them to Mass. Gen. Laws Chapter 85, section 3. This proposed bylaw does not take away any rights of appeal.

Discussion regarding changing the word "regulation" in Section 175-11. a. Town Counsel suggested removing the last sentence entirely: ~~"Proposed street names shall not have more characters than set by the DPW regulations."~~ Theo Noell agreed that deleting that last sentence was agreeable to the Planning Board. Chair Lieber questioned the exclusion of allowing names to honor "business entity." Theo Noell suggested that allowing business entities to be awarded street names could change the character of a neighborhood. Ann Santos agreed with Mr. Noell's comments. Bylaw Committee had no objection to keeping "business entity" language in bylaws.

Comment on Section b – Application Process. No objection to waiving fee for Town Governmental bodies proposing a name change. Change "The Town Clerk shall, within 10 days after receipt of the application and 'fee' to 'any applicable fee.'"

Add (iv) requiring the proponent to present the reason for the proposed change.

Chair Lieber suggested that businesses, as well as owners of property abutting the way at issue, be added to: The Town Clerk shall also assemble a list of the names and addresses of all owners of property abutting the way in question..." No objection to the addition of the language.

Discussion regarding whether a threshold number of residents/businesses should be required to submit the petition. Theo acknowledged that the Planning Board also struggled with this idea. Joseph Pride stated that the threshold could prevent the town from wasting time and money, as well as saving the petitioner the filing fee. No objection to not including a threshold number of abutter signatures required.

Comments on Section c – Public Hearing – Chair Lieber stated that the 30-day public hearing seemed too short. Town Counsel had no problem with changing length of time. Theo Noell indicated that the Planning Board would not object to changing 30-day to 60-day window: "The Planning Board shall conduct a public hearing on the application for a street name change within 60 days after receiving the application and list of abutting owners and residents from the Town Clerk."

Chair Lieber suggested the costs of public notices and mailings should be passed on to the proponent. Theo Noell stated that the Planning Board discussed that the \$800.00 would cover the administrative fees of postings and public notices. Chair Lieber discussed that there could be a scenario where the notice to abutters and mailings could be significantly greater than \$800.00 depending upon the number of residents. Town Counsel suggested that the \$800.00 fee could be adjusted upward if the posting and mailing fees exceed the \$800.00 and that cost would then be borne by the petitioner.

Add language regarding posting to: "posted notice to town website" for two consecutive weeks.

Chair Lieber and Town Counsel suggested that the notice be posted on the affected property by the Town.

Remove "by email" in the sentence: *Notice of the hearing shall also be sent by email to the Fire Department, Police Department, Town Engineer...*

Chair Lieber indicated that Planning Board may want to provide notice to the town entities mentioned in **c. Public Hearing**.

Section d. – Action by Town Council.

Add "businesses and organizations" to "all persons residing on the affected street..."

Remove "certified mail, return receipt requested" as unnecessary based on public notice requirements and cost prohibitive.

Kevin suggested adding timing expectations after a change is approved to allow for appeal. Tom Mullen stated we should include the appeal rights in the notice after the Town Council has acted on the name change. The name change shall not take effect less than 120 days after the Town Council has acted nor more than one year. Theo Noell and Bob Vincent agreed that the proposed timing window was appropriate.

Town Counsel agrees that the changes suggested can occur at Town Meeting and that the motion at Town Meeting should be presented as discussed during this meeting. Discussion of indefinite postponement as an option to simplify the warrant. Town Councilor Bob Vincent suggested postponement to make sure the correct language was recorded. Theo Noell also suggested that simpler may be better and he stated he would try to call a meeting of the Planning Board before the November 19th Town Meeting.

Ann Santos moved that we accept the proposed changes to the bylaw. Kevin York seconded. Roll call vote and unanimous vote to support changes.

Theo Noell thanked the Bylaw Committee and Town Counsel for their collaboration.

Chapter 51 changes proposed by Eric Reid will be heard at the start of our next meeting on November 21, 2022

Chapters 56 and 62 will be addressed at the November 21, 2022 meeting.

No update on Professional Assistance with Zoning Recodification, as reported by Town Counsel Tom Mullen.

Chair Lieber reminded committee of State Election on November 8th.

Town Meeting on November 19th - Galvin Auditorium

Next Bylaw meeting on November 21st via Zoom at 7pm.

Next meeting to tackle: Chapters 51 and Chapter 62.

Motion for Adjournment at 8:54pm made by Katherine Howitt, seconded by Eric Reid. Roll call vote: unanimous by all.

Minutes approved December 5, 2022