



Plympton Bylaw Review Committee

Minutes for March 2, 2017

5:30 PM, Large Meeting Room

The meeting, having been duly posted with an agenda, was opened by Chair, Allan Wheelock at 5:35 PM.

Committee Members Present: Amy Cronin, Kimberly Russo, Ted Taranto, Ken Thompson and Alan Wheelock

Committee Members Absent: Dave Alberti, Jean Cohen, Jake Jacobson, Linda Leddy, and Ann Sobolewski

Selectmen: Colleen Thompson and John Traynor

Guests: Mary MacKinnon and Melinda Ordway (MA Dept. of Revenue)

1. Department of Revenue. Members of the Department of Revenue, Division of Local Services, Technical Assistance Bureau discussed their experiences working with other towns in the 2,000 to 10,000 population range. The participants were Melinda Ordway, Senior Project Manager and Mary MacKinnon, Project Manager. Mary is also chair of the town of Kingston's finance and capital planning committees. The handout given to the Committee can be found at the end of the minutes.

When is a Bylaw change needed? Bylaws are intended to augment gray areas or unaddressed issues in the MGL. It was noted that we should question whether a bylaw needs to be written or rather a policy/procedure to support the bylaw could be written for the functional area. The bylaws are the rules/regulations that the residents should know; the policies and procedures are more internal use and how. Beckett, MA is a western MA town that is similar to Plympton that has undergone a Bylaw review; we may wish to have a conference call with them.

Funding. It was suggested to work with the Old Colony Regional Planning Council; they have access District Local Technical Assistance (DLTA) funding that could be used for a consultant to assist us to do this review (an application would need to be submitted to the Regional Planning Council and it would have to be approved) – see p. 4 of handout. Some of the local universities have graduate students who are seeking projects regarding regional planning or resource economics. Plympton is considered a Community Compact Community; this designation ensures equal access to communities to receive services.

Recording Properly. It is important to appropriately record Bylaws – ensure the Bylaws are properly recorded with the state.

Financial and Personnel Policies. On the website, mass.gov/dls in the “Technical Assistance Bureau”, there are many tools and reports. It is suggested that we review the “Community Compact Reports” to view many of their policies (we may need to include these policies).

How to start. It was suggested that we compare table of contents to other towns’ tables of contents to see the differences. It was suggested we may wish to eventually consider putting a Bylaws Review Committee in the Bylaws (elected, appointed, etc.) There could be a need for funding (classes, etc). Page 4 of the handout notes an article, “How to Write Effective Bylaws”.

Next Meeting: Thursday 03/16/17 at 6:30 pm

Adjournment: The meeting was adjourned by Allan Wheelock at 6:55 pm.

The minutes were respectfully submitted by Amy Cronin.



Technical Assistance Bureau
100 Cambridge Street
Boston, MA 02114
www.mass.gov/dls
617.626.2358

To John Traynor, Board of Selectmen
From Mary MacKinnon, Project Manager, Division of Local Services (DLS)
Date March 2, 2017
Re Bylaw Review Initiative, Town of Plympton

John:

Thank you for the opportunity to work with the Town of Plympton's Bylaw Review Committee. We have compiled information, recommendations, and additional resources to assist you in this process.

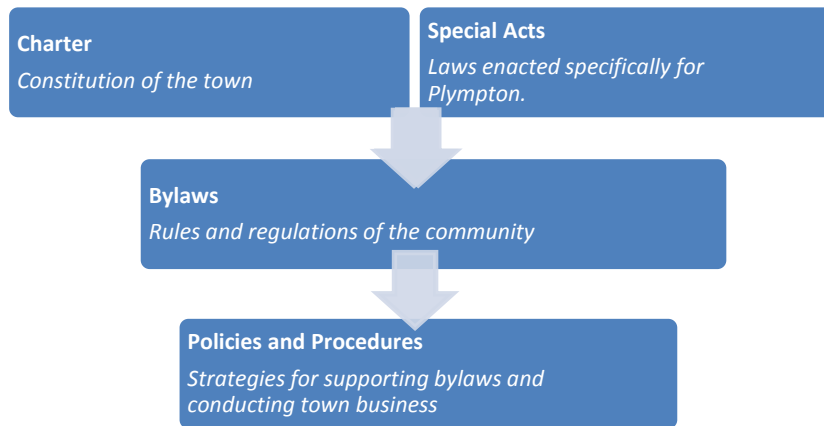
1. INTRODUCTION

A strong set of bylaws establishes a formal framework of codes, policies, and procedures under which town government operates. The bylaws should identify and describe the membership, terms, role and responsibilities of appointed and elected officials, departments, and permanent committees and boards. The bylaws should include procedures, ranging from town meeting, budget process and other regular financial practices to specific purposes such as, licensing, codes and regulations. There should also be sections for special acts of the town and adoption of general enabling laws.

Typically, a bylaw review committee is comprised of both residents and town officials. The committee should review existing bylaws to determine which should be retained, amended or deleted, and propose new bylaws for adoption. For guidance, the committee should meet with town counsel, examine the bylaws of other local communities and seek input from residents, employees, and officials through hearings and public forums. It is common for communities to engage the services of regional planning councils and consultants when addressing land use planning and zoning bylaws.

For the end-product, DLS recommends that the bylaws have chapters and subsections and be organized under topical areas with group headings. They should be ordered in a flow that is logical rather than chronological; enabling a future addition/amendment to be included with the relevant subject matter for transparency and easy identification. The goal of the format should be to ensure that the bylaws are easily readable and searchable.

2. GOVERNANCE



3. GETTING STARTED

A. CHARGE OF BYLAW REVIEW COMMITTEE

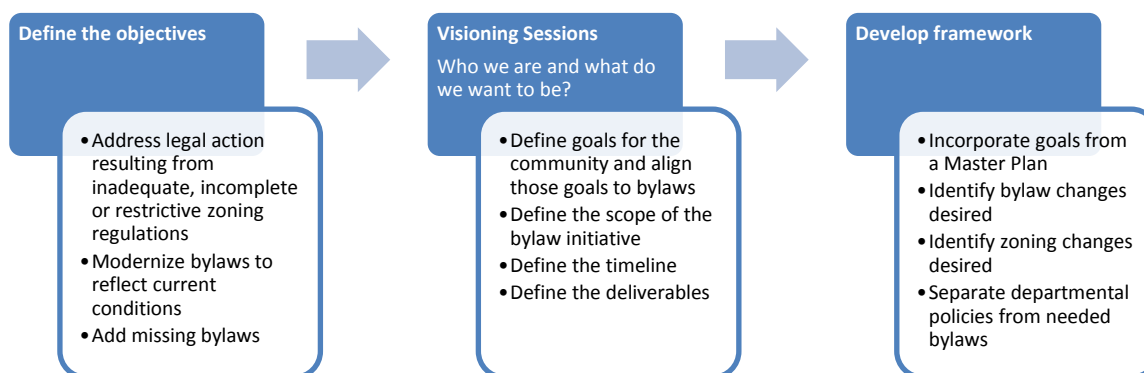
We recommend that the charge of the committee be clearly defined, documented, and adopted.

- Is this an ad hoc committee doing a one-time review?
- An on-going (“standing”) committee charged with periodic bylaw reviews?

Samples can be found here: [Becket](#), [Scituate](#), [Hanover](#), and [Norwell](#)

B. VISIONING SESSION

Bring together stakeholders to determine where you are today and where you can realistically expect to be in the future.



C. BYLAW STRUCTURE

Typically, a town develops and maintains two core sets of bylaws; general and zoning. Listed below is a sample structure of the organization and content contained within those documents. We recommend the committee inventory existing bylaws, cross-reference those against other communities, and develop a list of bylaw additions and amendments needed. Depending upon the volume of amendments identified, the committee may wish to prioritize the changes and define various phases of the project. A good place to start is the table of contents.

General Bylaws (SAMPLE)

- General/administrative provisions
- Town Meeting
- Selectmen
- Boards, Committees, and Commissions
- Financial Management (Budget & CIP)
- Town Clerk
- Treasurer/Collector
- Planning Board
- Board of Health
- Housing Authority
- Recreation Commission
- Local Historic District
- Public Safety
- Environment
- Personnel
- Stormwater Management
- Local Statutes Accepted / Special Acts

Zoning Bylaws (SAMPLE)

- Purpose
- Definitions
- Districts
- Use Regulations
- Dimensional Requirements
- Non-conforming Uses and Structures
- General Regulations
- Overlay Districts
- Administration and Procedures
- Miscellaneous and Special Regulations
- Special Residential Regulations
- Planned Development District
- Sign Regulations
- Historical Dimensional Requirements
- Amendments

D. BYLAW COMMITTEE AND SUB-COMMITTEES

Depending upon the charge and scope of work, we recommend that the committee allocate responsibilities to smaller teams or sub-committees. The sub-committees will conduct their work and periodically report back to the bylaw review committee.

E. BYLAW RECORDING REQUIREMENTS

When a town adopts or amends its general by-laws or zoning by-laws, within 30 days of adjournment of town meeting, the town clerk is required to [submit](#) them to the [Attorney General](#) for review and approval. The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the constitution and the laws of the Commonwealth. If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments or portions thereof

will be disapproved. The [Municipal Law Unit](#) is responsible for undertaking this review and for issuing a written decision approving or disapproving by-law amendments.

F. COMMITTEE BUDGET

The committee may require financial resources to conduct its affairs, including supplies, materials, legal review, and consultation with external vendors or experts.

G. RESOURCE - WRITING BYLAWS

The [Massachusetts Municipal Lawyers Association](#) provides a helpful summary of [how to write effective bylaws](#). Included in the article are helpful tips on the following topics.

- Converting a concept into a bylaw
 - Decide if it is a bylaw, or should it be a policy or procedure?
 - Determine the purpose or intent of the bylaw
 - Seek models from other communities
 - Gain expert review from town counsel and/or outside parties
 - Consider legal issues and consistency with state and federal law
- Including key elements (e.g., definitions, applicability, effective dates)
- Structuring the language and sections of the bylaw

H. MUNICIPAL MODERNIZATION ACT

[Chapter 218 of the Acts of 2016](#), an Act Modernizing Municipal Finance and Government was signed into law on August 9, 2016. This bill includes [numerous reforms to state laws](#) related to municipal finance, human resources practices, administration, and procurement. We recommend the committee cross-reference existing bylaws with this bill and identify changes needed. For example, the municipal modernization act modifies [M.G.L. c. 40 § 57](#) to provide updated collection remedies for municipalities.

Town of Plympton General Bylaws, Article XVI

Section 1. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Sample amended language:

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually, **and may periodically**, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve (12) month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

4. RESOURCES FOR ZONING BYLAW CHANGES

[Chapter 40A](#) of the Massachusetts General Laws, known as the [Zoning Act](#), is the overarching statute prescribing specific procedures that a municipality must follow when adopting or amending its zoning bylaws in the Commonwealth. [Section 5](#) speaks specifically to the procedures for adopting or changing zoning bylaws.

For assistance in constructing zoning bylaw changes, the following agencies are available.

Old Colony Planning Council

70 School Street
Brockton, MA 02301
508-583-1833
www.ocpcrpa.org

The [District Local Technical Assistance](#) (DLTA) program offers grant funding to communities via the local regional planning councils. To apply, contact the Old Colony Planning Council. Preference is given to Community Compact communities.

Department of Housing and Community Development (DHCD)

100 Cambridge Street
Suite 300
Boston, MA 02114
www.mass.gov/hed/economic/eohed/dhcd/

Click here for [Community Planning resources](#) and [Zoning and Land Use Resources](#)

Elaine Wijnja, Principal Land Use Planner
617-573-1360
elaine.wijnja@state.ma.us

The [Citizen Planner Training Collaborative](#) provides local planning and zoning officials with tools to make effective decisions regarding their community's current and future land use. They also host an annual conference. The upcoming conference is March 18, 2017 at Holy Cross College in Worcester. Fee is \$70.

5. OTHER COMMUNITIES

To view a collection of Massachusetts city and town ordinances or bylaws, please visit:

<http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/bylaws/>

6. TIMELINE

Develop a timeline, deliverables, and method of monitoring progress.

7. DLS REPORTS AND TOOLS

I. COMMUNITY COMPACT PROGRAM

The [Community Compact Program](#) is an initiative introduced by Governor Baker and Lt. Governor Polito to strengthen the partnership between state and local governments. Resources, assistance, and funding are available to help local communities in the areas of best practices, efficiency and regionalization programs, and information technology. By enrolling in the Community Compact Program, like Plympton did, communities gain an advantage in some of the state sponsored competitive grant programs. Using the link below, you will find a series of completed Community Compact work products available for review and use.

[Community Compact Reports and Completed Best Practices](#)

The town expressed interest in information technology assistance. The Community Compact program is currently offering an information technology grant program. All applications must be received by April 1, 2017. To learn more, click here:

[Community Compact Information Technology Grant Program application overview](#)

J. TECHNICAL ASSISTANCE BUREAU

The Technical Assistance Bureau has been working closely with municipalities across the Commonwealth for over 30 years to implement best practices, build efficiencies, and enhance transparency and collaboration. To achieve these objectives, we offer a series of reports and other tools to assist local officials in their effort to improve municipal operations:

- [Best Practices](#)
- [Community Compact reports](#)

K. MASSWORKS

The [MassWorks Infrastructure Program](#) provides a one-stop shop for municipalities and other eligible entities seeking public infrastructure funding to support economic development and job creation. [Information and guidance documents](#) for the 2017 competitive grant round including 2017 guidelines, application, and frequently asked questions will be posted in the spring.