



## Plympton Bylaw Review Committee

Minutes for September 21, 2017

6:30 PM, Small Meeting Room

The meeting, having been duly posted with an agenda, was opened by Chair, Allan Wheelock at 6:35 PM.

**Committee Members Present:** Dave Alberti Amy Cronin, Linda Leddy, Ann Sobolewski, Ted Taranto, Ken Thompson and Alan Wheelock

**Regrets:** Jean Cohen, and Kimberly Russo

**Guests:** Mark Russo, Selectman and Amy Kwesell from KP Law

**1. Minutes Approval.** The minutes from the 09-07-17 were accepted with no amendments.

**2. Outside Legal Counsel Discussion.**

**Richard Bowen – members’ thoughts on his 9/7/17 visit.** Last meeting, Richard Bowen attended to provide his perspective on the bylaw review process. His feedback was that the enforcement part was a “difficult” place to start and there could be risk of rejection. He recommended starting with “low hanging fruit” to play it safe. He thought that MGL 40U may be a good place to start, as it is simply putting in our Bylaw what is required by the State.

**Amy Kwesell from KP Law.**

Codification project. Amy reiterated that there will be no changes with the Codification with General Code that is legal (*which is different than what was reported at the 8/17/17 meeting that General Code has a database with algorithms to identify the areas out of alignment with State law; they’ll produce a report [organizational analysis] with their findings.*) Amy noted that she’d be very surprised if General Code had an algorithm to do this, as case law changes daily.

Identification of low hanging fruit. Amy noted that the Zoning Board would be a good starting point to identify issues, specifically expansion of legally non-conforming buildings. She recommended reviewing the Table of Uses – she recommended deletion and replacement with new table. She recommended enforcement and allowed uses. She said other towns never addressed zoning bylaws to address storage containers in residential districts during construction, the number of unregistered cars, drive-throughs, etc. When asked for a template, she recommended looking at other towns’ zoning bylaws, such as Duxbury and Manchester by the Sea (see their sign Bylaw). KPLaw is currently codifying Kingston, MA Bylaws. Members expressed that we may build the best Bylaw, but may not have the funds to do the enforcement. Other problems include defining what a “commercial use” is; “if you receive money, it’s commercial” like an AirBNB.

Expertise and Policy. Amy's expertise is land use, and she has been on many town boards in her hometown of Marshfield. The philosophy is that they are strictly lawyers, and don't make policy; the town makes the policy.

Review of Potential Warrant Articles. Amy suggested that the suggested changes should have Legal review before the Planning Board hearing. She needs 2 weeks to review. When asked if there was an overriding state law that should be considered, she offered that they have a guidance document on MGL 40A Section 5 (advertising, public hearings, etc.) and 40 Section 32 (Attorney General Review process). The effective date is when it is first advertised (the Planning Board hearing) so this was news to the group. MGL 40A Section 7 requires enforcement (or declining to enforce or ignoring) within 14 days or they can appeal within 30 days. Amy suggested that we need to fix the Wetlands Bylaw to set a fine, and noted it cannot be done in the Regulations; additionally, the Wetlands Bylaw doesn't refer back to Article 22 or to Chapter 40 Section 21D of the Town General Bylaws.

Members' Thoughts. The *Table of Uses*, and *Enforcement* will likely be continued priorities; and the MGL 40A Section 7 should also be incorporated. It was suggested that we send the proposed changes to the Building and Zoning Inspectors and invite their comment. Based on input received from the two attorneys, Alan will draft out possible strategy ideas going forward for decisions during the next meeting. It was requested that Amy discuss with Ann Sobelewski draft a new draft Table of Uses.

**3. Bylaw Review.** Due to the extensive time dedicated to discussions with Attorney Bowen, the Committee's work on detailed, electronic, review of the existing Plympton Bylaw document remained completed through §2.2.2.2.

**Next Meetings:** Thursday 10/05/17 and Thursday 10/19/17 at 6:30 pm

**Adjournment:** The meeting was adjourned by Alan Wheelock at 8:20 pm.

The minutes are respectfully submitted by Amy Cronin.