

Bylaw Review Meeting Minutes  
May 29, 2019

Members Present: Alisa Brewer, Patricia De Angelis, Bernie Kubiak, Bob Ritchie (Chair), Evan Ross.  
Staff Present: Geoff Kravitz  
No members of the public present

Meeting convened at 8:35 AM

May 10<sup>th</sup> meeting minutes changes: add “proposed” bylaw (reference is made to proposed bylaw) suggested by Ritchie. May 15<sup>th</sup> minutes: change 6/30 to 6/25, change meeting duration from 8:30 to 11:00, to 10:30. Minutes with corrections accepted by acclimation.

Zoning bylaw adoption: no questions concerning the meeting with the Planning Board by Ritchie on 5/29. First reading by Council is 6/17, gives Planning Department plenty of opportunity to compose its report. Kravitz will provide a prompt, Planning director has confirmed timelines.

#### Bylaw review

3.43: Soliciting. Need opinion from town attorney regarding first amendment issues. Question regarding if anyone is certified to solicit and how do they identify themselves and if the police getting any complaint. The bylaw may be written simply to address individual complaints.

3.40 Disposal of Rubbish (continued discussion): question regarding the town’s ability to enforce a particular state statute, MGL Ch 270 §16 allows enforcement if accepted by town meeting or city council, but fines collected are payable to the Commonwealth, except that the bylaw contains non-criminal disposition and authorized police officer. Ritchie suggest adopting a bylaw that parallels the statute so the town can enforce it via non-criminal disposition and retain fines. Need to revise our request for an opinion from the town attorney from enforcement to the prospect of a town bylaw, perhaps a simple bylaw that deals with littering. The town has a littering bylaw which lacks the detail of the state statute. Kravitz suggests bundling rubbish disposal and littering (3.18) for a more comprehensive bylaw. Ritchie will put together a memo to send to town attorney on the matter.

3.44 Pawnbrokers: Ritchie will review this against MGL Ch140 §§70-85 to insure consistency. Previous bylaw review recommended dropping this.

3.45 Open Burning: Ross asked about retained purpose and severability. Fire Department suggested not changing it although it’s rarely enforced. Bylaw requires a permit but does not describe a way to obtain it. Decision: Sections A (purpose) and D (severability) can be eliminated. The bylaw should be flagged for future research and reconsideration.

3.46 Street Numbering of Houses: question as to how enforced. Original bylaw had the Selectboard initiating a suit to enforce the bylaw. There is enforcement of any bylaw under the general laws, always a misdemeanor. Prospect for non-criminal disposition, with notice, chance to comply, then a non-criminal fine for failure to remedy could be considered. Alicia suggests flagging this for future consideration as a matter of safety and research. Suggestion is to trigger enforcement on sale of the building. Question as to if numerals versus script can be used. Need to consider 3.1 Street Names and Numbers. Kravitz will discuss with Planning Director and Building Commissioner.

3.47 Removal of Snow and Ice from Sidewalks: DPW director suggested no changes to this bylaw. Town website contains a map and list of sidewalks plowed by the town. Alisa noted there is a statutory limit on the fine in the general laws, notes that for a city limit rises from \$10 to \$50, MGL Ch85 §5, so council may increase fine.

3.48: Depositing Snow on Highways – suggestion is to eliminate the term “removed” and retitle from Highways to Public Ways. Kravitz will draft a bylaw combining 3.47 and 3.48.

3.49 Gas Inspector: Ritchie notes that 25/12H was repealed. Ch 143 is the chapter dealing with public utilities. Change reference to “provisions of Ch. 143 and Ch.25”. Suggest that the penalty gets increased to \$300.00.

3.50 Gasoline Storage: speaks only to the ability to change fees. Decision: recommend deletion under state laws and local practices on fees.

Next meeting should begin with 3.51 junked vehicles. We have 12 bylaws left for the first review. Ritchie distributes article on condo conversions and the relevant statute.

Meeting adjourned at 10:40 AM

Respectfully submitted,  
Bernie Kubiak, Clerk

Documents referred to

Draft Minutes of May 10 and 15, 2019

Draft Bylaw Revision #6

Feldman, S. “The Massachusetts Condominium Conversion Statute, Chapter 527 of the Acts of 1983,”  
May 22, 2012, NEREJ.Com reprint

Ch. 527 Acts of 1983 “An Act Enabling Cities and Towns to Regulate the Conversion of Residential  
Property to the Condominium Forms of Ownership”