



PLANNING BOARD

Report to Town Meeting

Article 34. Zoning – Non-substantive Corrections (Planning Board)

To see if the Town will amend Article 11, Administration and Enforcement, of the Zoning Bylaw, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 6-0-0 with three members absent, to recommend that Town Meeting adopt Article 34.

Background and Purpose

This article is being brought forward to reduce the time and effort of the Town Meeting and other boards and committees spent on reviewing changes to the text of the Zoning Bylaw that amount to proofreading and copyediting while not changing the substance of the bylaw. Several towns have adopted this type of language in their Zoning Bylaws, some of which are Concord, MA, Dalton, MA, Reading, MA, Wellfleet, MA and Hillsborough, NH. An example of where this article would prove useful is in looking at Section 3.2 of the Zoning Bylaw, where use regulations specific to so-called Special Districts are listed. It is poorly organized, such that the numbering protocol has been exhausted and no new subsections can be added to describe regulations for any potential new special districts. The Planning Board has occasionally considered proposing a new special district, but doing so would first require a reorganization of Section 3.2, unnecessarily complicating the effort. The Planning Board is not currently working on any potential new special district but presenting this as one example where this amendment would be useful.

Mechanics

The article would add a new subsection to Section 11.0 of the Zoning Bylaw, which provides for amendment of that document. The procedure being proposed would constitute amendment only in a technical sense; practically, it is about correcting errors or changing numbering. It would require (a) discussion of the proposed change at a public hearing of the Planning Board, and (b) signoff by the Town Clerk, who is the keeper of the Town's official records.

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Benefits

The proposed amendment allowing strictly technical adjustments to sections of the Zoning Bylaw would streamline suggested additions to Sections, rather than be hindered by the current organizational limitations of the Zoning Bylaw numbering system. It would relieve Town Meeting of the time, effort, and paperwork that would otherwise be needed to make minor adjustments to the Zoning Bylaw that do not change how the Bylaw works or the substance of any provision of zoning.

Risks

The Planning Board may request a change that, inadvertently or otherwise, does affect the substance of zoning and should be subject to the approval of Town Meeting. However, it is hoped that this risk would be mitigated by the requirement that the proposed change be implemented by the Town Clerk, who may decline to do so at his or her discretion.

Process

The Zoning Subcommittee reviewed the non-substantive corrections this past fall and it was decided to bring this article to the Spring Town Meeting. A Planning Board public hearing on this article was held on March 15, 2017. No public comment was received at that time, and the Planning Board voted 6-0 with three members absent to recommend it to Town Meeting.