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Minutes of the **By-Law Review Committee** meeting held
October 19, 2010
7:30 PM

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Board of Registrars Conference Room, Town Hall, 455 Concord Avenue

Attendees: Charles Hamann, Chair, Mark Thurber, Raymond Miyares, ,
Robert Gallant, Ellen O'Brien Cushman (ex-officio)

Others attending: Don Mercier

Agenda:

Vote unanimously to retain Charles Hamann as Chair of the Committee

Article 7 - Town Meeting Roll Votes, Proposed By-Law Amendment
submitted by Donald Mercier (precinct 8 TMM)
The Committee voted unanimously to approve the language of
the amendment as to form and placement

Article 6 - Associate Member of the Planning Board
Ray Miyares noted that there is an overall problem in the non-
Bylaw arena. Associate member of the Planning Board would
be for Special Permit Applications, then later in the By-Law the
same associate for Design and Site Plan Review. Discussion
of amendment offered by Ray Miyares, document attached.
Motion to approve By-Law 17.1 in Article 8 as to form and
placement including language offered by Ray.

Unanimous Vote

The Committee understands and appreciates the Planning
Board is responsible to consider any appropriate Zoning By-
Law changes as a result of this General By-Law.

Article 8 - Ban on use of tobacco products on playgrounds and athletic
fields (citizen petition). Motion by Bob Gallant to further
amend the submitted language of 20.14 as follows:
20.14 No person shall smoke a tobacco product on any public
school playground or athletic field nor any recreation
department playground or athletic field. For purposes of this
Section, the following definition shall apply:
(a) Smoking is defined as inhaling, exhaling, or burning
any tobacco product.
(b) Tobacco product is defined as cigarettes, cigars,
pipe tobacco or tobacco in any form.

and by renumbering... (no further changes)

Motion to approve language in Article 8 as to form and placement including language offered by the Committee.
Unanimous Vote

Chair Hamann expressed appreciation to Ray and Bob for all their drafting work with the resident who proposed the article.

Meeting adjourned at 7: 42 PM

Respectfully submitted,

Ellen O'Brien Cushman

Motion to approve → ~~As~~ Amended as to form?
Placement

from R. Miyares
10-19-10.

Unanimous Vote

ARTICLE 8: Associate Planning Board Member

To see if the Town will vote to amend the General By-laws of the Town by striking Section 17.1 in its entirety and replacing it with the following new section:

"17.1 The Planning Board established under Chapter 41, Section 70 of the General Laws shall consist of five members who shall be appointed by the Selectmen; provided, however, that nothing in this section shall be construed to limit the authority of the Board of Selectmen, pursuant to section 7 of the Zoning By-Law, to appoint an associate member for the purposes set forth therein."

J Raymond Miyares 10/19/10 3:00 PM

Deleted: and one associate member

and to amend the Zoning By-law in two places, as follows:

by adding the following as a second paragraph in section 7.4.1.:

"Pursuant to Chapter 40A, Section 9 of the General Laws, the Planning Board shall have an associate member for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board. Said associate member shall be appointed by the Board of Selectmen."

J Raymond Miyares 10/19/10 3:07 PM

Deleted: Pursuant to Chapter 40A, Section 9 of the General Laws, said associate member shall sit on the Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board."

and by adding the following after the second sentence in section 7.3.3.c.:

"The associate Planning Board member shall sit on the Board for the purposes of acting on a Design and Site Plan Review application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board."

, or in any way act thereon.

This article seeks to amend the Town's General By-laws and Zoning By-law to allow the Selectmen to appoint an associate member of the Planning Board. The associate member would only be able to vote on special permits and site plan review in the absence or recusal of one of the permanent members.

Two-thirds vote required for passage

Yes _____ No _____