

CHILTONVILLE PRESENTATION

CHARTER

LEGISLATIVE BRANCH: TOWN MEETING

- 18 PRECINCTS
- 9 TMM'S PER PRECINCT
- 162 TMM'S IN TOTAL
- TMM'S ARE ELECTED BY THEIR PRECINCTS
- EACH TMM SERVES FOR 3 YEAR TERM
- TM:
 - ENACTS BYLAWS
 - ENACTS BUDGET
- MEETS 2 TIMES PER YEAR:
 - SPRING ANNUAL TOWN MEETING: PRIMARILY FOR FINANCIAL MATTERS
 - FALL ANNUAL TOWN MEETING
- MAY MEET AT OTHER TIMES FOR SPECIAL TOWN MEETINGS.
- EACH PRECINCT:
 - MEETS PRIOR TO ALL TOWN MEETINGS TO REVIEW THE SUBJECT MATTER OF ALL FORTHCOMING TOWN MEETING ARTICLES.
 - ELECTS A PRECINCT CHAIR
 - THE 18 PRECINCT CHAIRS FORM THE COMMITTEE OF PRECINCT CHAIRS
- THE COPC KEEPS TMM'S INFORMED ABOUT PROPOSED WARRANT ARTICLES AND FACILITATES OVERSIGHT OF ARTICLES PASSED BY TOWN MEETING.
- INITIATIVE PETITION: ANY 10 (200) REGISTERED VOTERS MAY SECURE THE INCLUSION OF AN ARTICLE FOR AN ANNUAL TOWN MEETING (OR FOR A SPECIAL TOWN MEETING)
- REFERENDUM: IF, WITHIN 10 DAYS OF AN AFFIRMATIVE VOTE OF FINAL PASSAGE BY THE TOWN MEETING, A REFERENDUM PETITION IS FILED SIGNED BY NOT LESS THAN 3% OF THE TOWN'S REGISTERED VOTERS, THE TOWN SHALL HOLD A REFERENDUM BY ALL VOTERS, AT WHICH VOTERS WILL BE ASKED WHETHER OR NOT TO APPROVE THE TOWN MEEING VOTE.

EXECUTIVE BRANCH: SELECT BOARD, TOWN MANAGER, AND PLANNING BOARD

- SELECT BOARD
 - 5 MEMBERS, EACH OF WHOM IS ELECTED AT LARGE AND SERVES FOR THREE YEARS
 - APPOINTS
 - TOWN MANAGER , WHO IS THE CHIEF ADMINISTRATIVE OFFICER OF THE TOWN.
 - BOARD OF HEALTH OF 5 MEMBERS FOR 3 YEAR TERMS
 - CONSERVATION COMMISSION OF 7 MEMBERS FOR 3 YEAR TERMS
 - STATUTE: MGL CHAPTER 131, SECTION 40
 - CONSERVATION BYLAW ENACTED BY TOWN MEETING
 - SUPPLEMENTS THE GOVERNING STATUTE BY REQUIRING APPROVAL FOR ACTIVITIES WITHIN A GREATER DISTANCE FROM A WETLAND OR A WETLAND BUFFER

- CONSERVATION RULES AND REGULATIONS PROMULGATED BY THE CONSERVATION COMMISSION: PROCEDURAL AND SUBSTANTIVE
 - SUPPLEMENTS THE CONSERVATION BYLAW
 - ZONING BOARD OF 5 MEMBERS AND 2 ALTERNATE MEMBERS FOR 3 YEAR TERMS
 - STATUTE: MGL CHAPTER 40A
 - ZONING BYLAW ENACTED BY TOWN MEETING
 - RULES AND REGULATIONS PROMULGATED BY THE ZONING BOARD
 - PROCEDURAL
 - ALL BOARDS AND COMMITTEES UNLESS OTHERWISE PROVIDED
- TOWN MANAGER
 - APPOINTS
 - DIRECTOR OF PUBLIC WORKS
 - DIRECTOR OF FINANCE
 - DIRECTOR OF PLANNING AND DEVELOPMENT WITH VETO AUTHORITY BY THE PLANNING BOARD
- PLANNING BOARD
 - 5 MEMBERS, EACH OF WHOM IS ELECTED FOR 5 YEAR TERMS.
 - MAKES RECOMMENDATIONS TO TOWN MEETING ON PROPOSED ZONING BYLAW AMENDMENTS
 - APPROVES SUBDIVISION PLANS (PLANS SHOWING NEW WAYS)
 - ENDORSES PLANS NOT REQUIRING SUBDIVISION APPROVAL IF ALL OF THE LOTS SHOWN HAVE FRONTAGE ON A WAY THAT IS A PUBLIC WAY, A WAY THAT IS SHOWN ON AN APPROVED SUBDIVISION PLAN, OR A WAY THAT IS CERTIFIED BY THE TOWN CLERK AS USED AND MAINTAINED BY THE TOWN
 - PROMULGATES RULES AND REGULATIONS
 - PROCEDURAL
- SCHOOL COMMITTEE
 - 7 MEMBERS, EACH OF WHOM IS ELECTED FOR 3 YEAR TERMS
 - BY STATUTE SCHOOL EXPENDITURES ARE INDEPENDENT OF OTHER MUNICIPAL EXPENDITURES: TOWN MEETING ONLY VOTES ON BOTTOM LINE

ZONING BYLAW

USES

- USE TABLE 1
 - Y: PERMITTED BY RIGHT
 - SP: SPECIAL PERMIT
 - X: PROHIBITED
- USES PERMITTED BY RIGHT

- SPECIAL PERMIT USES
 - SPGA IS USUALLY THE ZONING BOARD (BUT MAY BE THE PLANNING BOARD)
 - EXCEPTIONS:
 - OSMUD
 - TRVD
- VARIANCES
 - CRITERIA
- PROHIBITED USES
 - NO USE VARIANCES ALLOWED
- EXEMPT USES
 - AGRICULTURAL
 - SOLAR
 - EDUCATIONAL
 - RELIGIOUS

STRUCTURES

- FRONTAGE
- LOT SIZE
- LOT DIMENSIONS
- SETBACKS
- HEIGHT
- OFF-STREET PARKING

NONCONFORMING USES AND STRUCTURES

- CONTINUATION OF PRE-EXISTING NONCONFORMING USES AND STRUCTURES
- ALTERATION OF PRE-EXISTING NONCONFORMING USES AND STRUCTURES

PROCEDURE

- PLANNING BOARD MEETS TO RECOMMEND WHETHER OR NOT THE ZONING BOARD SHOULD GRANT THE SPECIAL PERMMIT.
- ZONING BOARD HOLDS A NOTICED PUBLIC HEARING TO DETERMINE WHTHER THE SPECIAL PERMIT SHOULD BE GRANTED.
- NOTICE IS SENT TO OWNERS OF ALL LOTS LOCATED IN WHOLE OR IN PART WITHIN 300 FEET OF THE SUBJECT PARCEL.
- IN MOST CASES, A SUPER MAJORITY VOTE OF 4 OUT OF THE 5 MEMBERS IS REQUIRED IN ORDER TO GRANT THE PETION. A 3-2 VOTE MEANS THAT THE PETITION IS DENIED.
- AFTER ZONING BOARD MAKES ITS DECISION, THE PETITIONER OR A NOTICED PARTY MAY APPEAL THE DECISION TO A LAND COURT JUDGE OR A SUPERIOR COURT JUDGE.

- THE JUDGE THEN DETERMINES WHETHER OF NOT THE ZONING BOARD COULD HAVE REASONABLY MADE ITS DECISION. THE JUDGE DOES NOT SUBSTITUTE HIS OR HER JUDGMENT FOR THE DECISION OF THE BOARD.
- ENFORCEMENT OFFICER
 - DIRECTOR OF INSPECTIONAL SERVICES
 - POSSIBILITY OF APPEAL TO ZONING BOARD

OPEN MEETING LAW

- EXCEPT IN AN EMERGENCY, A PUBLIC BODY MUST POST NOTICE OF EVERY MEETING AT LEAST 48 HOURS PRIOR TO THE MEETING, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS
- NOTICE MUST CONTAIN A LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING
- EXECUTIVE SESSIONS CAN BE HELD ONLY FOR THE FOLLOWING PURPOSES:
 - TO DISCUSS THE REPUTATION, CHARACTER, PHYSICAL CONDITION OR MENTAL HEALTH, RATHER THAN PROFESSIONAL COMPETENCE, OF AN INDIVIDUAL, OR TO DISCUSS THE DISMISSAL OF, OR COMPLAINTS OR CHARGES BROUGHT AGAINST A PUBLIC OFFICER, EMPLOYEE, STAFF MEMBER OR INDIVIDUAL.
 - TO DISCUSS STRATEGY SESSIONS IN PREPARATION FOR NEGOTIATIONS WITH NONUNION PERSONNEL
 - TO DISCUSS STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING OR LITIGATION IF AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE BARGAINING OR LITIGATING POSITION OF THE TOWN...
 - TO DISCUSS THE DEPLOYMENT OF SECURITY PERSONNEL OR DEVICES
 - TO INVESTIGATE CHARGES OF CRIMINAL CONDUCT...
 - TO CONSIDER THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF THE CHAIR DECLARES THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE NEGOTIATING POSITION OF THE TOWN
 - ...
 - TO CONSIDER OR INTERVIEW APPLICANTS FOR EMPLOYMENT...IF THE CHAIR DECLARES THAT AN OPEN MEETING WILL HAVE A DETRIMENTAL EFFECT IN OBTAINING QUALIFIED APPLICANTS
- MINUTES OF ALL OPEN SESSIONS SHALL BE MADE AVAILABE WITHIN 10 DAYS OF A REQUEST THEREFOR
- MINUTES OF ALL EXECUTIVE SESSIONS MAY BE WITHHELD FROM DISCLOSURE "AS LONG AS PUBLICATION MAY DEFEAT THE LAWFUL PURPOSES OF THE EXECUTIVE SESSION BUT NO LONGER"...UNLESS ONE OR MORE OF THE EXEMPTIONS APPLIES OR THE ATTORNEY-CLIENT PRIVILEGE" ...APPLIES.
- MINUTES OF ALL EXECUTIVE SESSIONS SHALL BE MADE AVAILABLE WITHIN 10 DAYS OF A REQUEST THEREFOR... PROVIDED THAT PUBLICATION WILL NOT DEFEAT THE LAWFUL PURPOSES OF THE EXECUTIVE SESSION BUT NO LONGER"...UNLESS ONE OR MORE OF THE EXEMPTIONS APPLIES OR THE ATTORNEY-CLIENT PRIVILEGE" ...APPLIES.
- ENFORCEMENT OF OPEN MEETING LAW:
 - COMPLAINT TO BOARD WITHIN 30 DAYS OF THE ALLEGED VIOLATION

- WITHIN 14 DAYS OF RECEIPT OF COMPLAINT, BOARD MUST FILE WITH ATTORNEY GENERAL A COPY OF THE COMPLAINT AND “ANY REMEDIAL ACTION TAKEN”.
- ATTORNEY GENERAL THEN ISSUES A DETERMINATION LETTER

PUBLIC RECORDS LAW

- FILE A REQUEST WITH THE RECORDS ACCESS OFFICER OF THE TOWN
- REPLY OF RECORDS ACCESS OFFICER IS DUE WITHIN 10 DAYS BUT RECORDS ACCESS OFFICER MAY REQUEST AN EXTENSION OF TIME TO ISSUE HIS REPLY
- SUPERVISOR OF RECORDS CAN GRANT AN EXTENTION FOR NOT MORE THAN 30 DAYS WITHIN 20 DAYS OF RECEIPT OF REQUEST FOR EXTENSION
- REPLY MUST INCLUDE A SPECIFIC EXEMPTION TO THE PUBLIC RECORDS LAW TO JUSTIFY THE DENIAL OF ACCESS TO ANY RECORD
- EXEMPTIONS
 - THE PRIVACY EXEMPTION: MATERIALS RELATING TO A SPECIFICALLY NAMED INDIVIDUAL, THE DISCLOSURE OF WHICH MAY CONSTITUTE AND UNWARRANTED INVASION OF PERSONAL PRIVACY
 - ...
 - APPRAISALS OF REAL PROPERTY AXCQUIRED OR TO BE ACQUIRED UNTIL A FINAL AGREEMENT IS ENTERED INTO...
 - ...
 - THE HOME ADDRESS, EMAIL ADDRESS, OR HOME TELEPHONE NUMBER OF A MUNICIPAL EMPLOYEE OR A FAMILY MEMBER OF A MUNICIPAL EMPLOYEE
 - ...
 - MATERIALS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE
- IF ACCESS IS DENIED, REQUESTING PARTY MAY APPEAL DENIAL TO THE SUPERVISOR OF RECORDS IN THE SECRETARY OF STATE’S OFFICE WITHIN 90 DAYS OF DENIAL

MGL CHAPTER 61, 61A, AND 61B RIGHT OF FIRST REFUSALS

- TAX RELIEF FOR OWNERS OF FORESTLAND, FARMLAND, AND RECREATIONAL LAND
- WHEN A LANDOWNER INTENDS TO COVERT SUCH LAND TO OTHER USES, THE TOWN HAS A ROFR
 - NOTICE OF INTENT MUST BE SENT TO TOWN DEPARTMENTS
 - TOWN THEN HAS A 120 DAY TIME PERIOD WITHIN WHICH IT CAN EXERCISE ROFR OR ASSIGN IT TO A NONPROFIT CONSERVATION ORGANIZATION, THE COMMONWEALTH, OR ANY POLITICAL SUBDIVISION OF THE COMMONWEALTH
 - AFTER HEARING FROM PERTINENT TOWN DEPARTMENTS, THE SELECT BOARD THEN DETERMINES WHETHER IT WILL OR WILL NOT EXERCISE TOWN’S ROFR.
 - SELECT BOARD MAY HIRE AN APPRAISER AND FURNISH A COPY TO THE LANDOWNER.
 - IF LANDOWNER IS DISSATISFIELD WITH THE TOWN’S 12APPRAISAL, LANDOWNER MAY CONTRACT FOR A THIRD APPRAISAL. WITHIN THE FIRST 60 DAYS OF 120 DAY PERIOD

- THIRD APPRAISAL MUST BE DELIVERED TO TOWN WITHIN FIRST 90 DAYS OF 120 DAY PERIOD
- IF SELECT BOARD DECIDES TO EXERCISE ITS ROFR, IT MUST:
 - RECORD A NOTICE AT THE REGISTRY OF DEEDS OF THE TOWN'S DECISION TO EXERCISE
 - SCHEDULE A TOWN MEETING WITHIN THE 120 DAY PERIOD TO FUND THE PURCHASE.
 - COMPLETE PURCHASE OF THE PROPERTY WITHIN 90 DAYS OF THE TOWN'S NOTICE OF ITS EXERCISE OF THE ROFR
- IF SELECT BOARD DECIDES TO ASSIGN ITS ROFR:
 - RECORD A NOTICE AT THE REGISTRY OF DEEDS OF THE TOWN'S DECISION TO ASSIGN ROFR
 - ENTITY MUST CONSERVE AT LEAST 70% OF THE PROPERTY FOR FORESTRY, FARMLAND, OR RECREATIONAL PURPOSES
 - SELECT BOARD MAY PLACE CONDITIONS ON ASSIGNMENT, SUCH AS LIMITING THE NUMBER OF LOTS IN THE LIMITED DEVELOPMENT
- IF TOWN FAILS TO ACT WITHIN 120 DAY PERIOD, THE TOWN IS DEEMED NOT TO HAVE EXERCISED ITS ROFR