

Richmond Planning Board Minutes

March 10, 2014

A meeting of the Richmond Planning Board was held at Town Hall on Monday, March 10, at 6:30 PM.

Those present: John Hanson, Rick Bell, Paula Patterson, and Linda Morse

Others present: Neal Pilson, Vice-Chairman Zoning Board of Appeals and Stevan Patterson, Clerk of the ZBA

ZBA members were on hand to discuss a proposed change in zoning by-laws that would allow for non-criminal disposition of zoning violations. Chairman Hanson opened the meeting by reviewing his written statement by way of background on general zoning enforcement problems:

Unless a community has accepted the provisions of MGL, c.40, s. 21D, the method (with limited exceptions) by which local laws are enforced is through a criminal complaint procedure in the district court. This process is slow, cumbersome, and in the minds of many municipal officials, "more trouble than it is worth." As a consequence of this rather widely held view, municipal officials seek to enforce the provisions of local laws through court action only as a last resort, usually confined to cases of the most extreme, blatant, or offensive violation circumstances.

Use of the non-criminal procedure allows a local enforcement person to write a ticket that sets a specific sum of money to be paid as a penalty for the violation of the by-law. The penalty is paid to the city or town clerk or the offender may request a district court hearing to be held on the matter. The request for a hearing must be made within twenty-one days following the date the ticket is issued

It was first noted that there would not be enough time to present a bylaw change to voters at Annual Town Meeting in May, 2014, because there must first be a public hearing. The possibility of a later Special Town Meeting to vote on such a change was discussed.

Steve Patterson presented language for the bylaw change to go under Section 8, Administration and Enforcement. While concise and pertinent, the language would have to be inserted, John suggested, under *each* section of the bylaw affected. He volunteered to write such language for review by Town Counsel. Steve also suggested following the ticket form already in use by the Fire Department.

The presentation by the Berkshire Regional Planning Commission re proposed re-zoning at Richmond Shores was postponed due to illness by one of the presenters at the BRPC. John will talk to Matt re new date for Town Hall.

The minutes of the February 10 meeting were not available and will be presented for approval at the April meeting. With no further business, the meeting was adjourned at 7:35 P.M. The next meeting of the Board is scheduled for Monday, April 14, 2014 at Town Hall at 6:30 P.M. This date is subject to change, possibly April 6, 2014.

Respectfully submitted,

Linda Morse, Clerk