

Policy for Citizen Petitioned or Committee-Introduced Zoning Amendments

Town of Duxbury Planning Board Policy

Effective Date May 18, 2016

Subject to periodic review

Planning Board Vote May 11, 2016

Purpose: To establish guidelines and procedures for citizens and for Town-appointed committees interested in filing petitioned or proposed zoning amendments for consideration by Duxbury Town Meeting.

Reason: To ensure that the Planning Board and Town Counsel have adequate time to review a petition or suggested zoning amendment. **Failure to adhere to the guidelines in this policy may result in the Planning Board being unable to make the required report on the proposed article to Town Meeting.**

Background: The Planning Board issues a recommendation to Town Meeting on every proposed zoning amendment. This policy identifies a general timeline that the Planning Board recommends to ensure that the Planning Board has adequate time to investigate, hold public hearings, evaluate proposed changes and make recommendations to Town Meeting. **Zoning amendments in particular require a longer timeline than the warrant deadline due to public hearing and notification requirements that must be satisfied in order for zoning amendments to be approved by the Attorney General's office.**

Overall Policy Guidelines:

Informal pre-filing discussions with the Planning Board and Planning Director are strongly encouraged as early as possible. These informal meetings will allow the Planning Board to ask questions, identify information that should be submitted and give the petitioner(s) and/or committee insight on timelines, significant concerns and issues of Board members.

The filing of a zoning article for the warrant should not be considered a "place holder." Upon submission of a zoning amendment article for the Town Meeting warrant, staff immediately schedules and advertises the public hearing. A complete petition (including final language, maps and supporting documentation) must be on file prior to the first notice of the Planning Board hearing. **The proponent is responsible to present their articles throughout the process, including Town Meeting.**

The filing process is as follows:

- The proposed amendments are submitted to the Board of Selectmen.
- The proposed amendments are forwarded to the Planning Board within 14 days.
- First Notice of Planning Board hearing is published in a newspaper of general circulation 14 days prior to a public hearing.
- Second Notice of Planning Board hearing is published in a newspaper of general circulation during the week immediately following the first publication.
- Planning Board must hold the hearing within 65 days of the date the Board of Selectmen forwards the proposed amendment to the Planning Board.
- Planning Board issues a Report with Recommendations to the Finance Committee and Selectmen one week prior to their review, for Town Meeting.

Petitioners should plan on a filed zoning amendment review process lasting between two and a half to four and a half months. Note that if there is little complexity or controversy over the proposed amendment, the editing and outreach timeframe may be shortened prior to the October final filing.

Steps for Zoning Submission	General timeline best practices
Preliminary meeting with Planning Board and staff	March-July (depends on complexity)
Public outreach	April-September (depends on complexity)
Draft language to counsel, Planning Board and staff	July-September
Complete Petition or Article Filed with Selectmen, with all supporting documentation, final language and maps	First week of October (this is forwarded to the Planning Board within 14 days)
Advertise & Hold 1st Public Hearing (Planning Board)	30-45 days (October-November – within 65 days of receipt from Selectmen)
Warrant closes	Late November - early December
1 to 3 continued hearings	November into January
One week to prepare vote	Last week of January or sooner
Submit to Selectmen & Fin. Comm. a week prior to their review	Second week of February or sooner
Finance Committee vote up to 20 days prior to Town Meeting	Mid-February or sooner
Date of Town Meeting:	Early March

C: Town Clerk, Town Manager, Town Moderator

ADDITIONAL NOTES:

Please refer to Department of Housing and Development of the Commonwealth of Massachusetts guidance on the legal requirements for adopting and amending zoning bylaws in Massachusetts, in addition to Massachusetts General Laws.

- Proposed changes to zoning articles, once filed, will be subject to Attorney General requirements and subject to review by Town Counsel, and should be provided to the Planning Director, Town Clerk, Board of Selectmen, Town Manager and Town Moderator as soon as they are available and as far in advance of Town Meeting as is possible by the proponents of the changes.
- All proposed zoning changes must be provided in a “track changes” format – it must show all changes from existing zoning to the proposed language, preferably using the track changes tool available in Word software (cross-outs, strikethroughs, insertions, deletions, etc.).