

August 27, 2025

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BY ELECTRONIC MAIL ONLY (openmeeting@state.ma.us)

Carrie Benedon, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Norton – Planning Board
Open Meeting Law Complaint from [REDACTED], received August 20, 2025

Dear Attorney Benedon:

Please be advised that this firm serves as Town Counsel to the Town of Norton. The Town's Planning Board ("Board") is in receipt of an Open Meeting Law Complaint ("Complaint") dated August 20, 2025 from [REDACTED], a copy of which is enclosed. The Complaint concerns the form of the meeting notice for the Board's July 22, 2025. The Board reviewed the Complaint at its August 26, 2025 meeting and approved this response. A copy of the July 22nd meeting notice is also enclosed for reference.

I first note that the Complaint also takes issue with the form of the Board's meeting notices for the June 17 and July 8, 2025 meetings, but the time frame for filing a complaint about those meetings has already expired. *See* G.L. c.30A, §23(b). Regarding the July 22nd notice, the Board acknowledges that item (a) under "Discussion" at least arguably did not clearly describe the intended discussion at the meeting. This agenda item, entitled "Zoning Bylaw Recodification," listed four specific sections of the Town's Zoning Bylaw for discussion. The Board acknowledges, however, that some of discussion on these sections concerned potential proposed substantive amendments to the Bylaw and not just "recodification," which is commonly understood to be a reorganization of text as opposed to revisions to it. While the Board does not concede that this was an OML violation, the Board will seek to ensure that its future meeting notice items are clearly understandable for the general public.

While not related to the form of the July 22nd meeting notice itself, the Board submits that it has been discussing both a recodification of and substantive amendments to the Zoning Bylaw over numerous meetings over the last several months, and various draft versions of the changes as well as videos of the Board meetings have been available on the Planning Board's webpage - <https://www.nortonma.org/planning-board/pages/proposed-zoning-bylaw-update>. The Planning and Economic Development Department has also made numerous posts to local Facebook and NextDoor groups with links to the website and relevant Planning Board meeting notices.

Carrie Benedon, Esq.

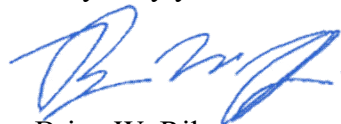
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The Complaint includes two actions that [REDACTED] wants the Board to take, but neither of them is required by either the Open Meeting Law or the Zoning Act, G.L. c.40A. First, the Complaint seeks to have “red-lined” versions of the proposed changes posted on the Town website, with descriptions of “why” the Board wants the changes with “pros/cons.” Not only is this request wholly outside the requirements of the Open Meeting Law, but as noted above, redlined versions of the proposed changes dating back to March 2025 are already posted on the website. The second request is for “mailed notices to all residents” regarding the Planning Board’s proposed changes to the Zoning Bylaw. This is also wholly outside any requirement of the Open Meeting Law or G.L. 40A. In addition to the extensive information already located on the Board webpage, however, on September 9, 2025 the Board will hold the statutorily required (G.L. c.40A, §5) public hearing on all of the proposed changes to the Zoning Bylaw that will be before a future Town Meeting. Notice of the public hearing will not only be posted on the Town website, but a notice of the date and time will also be published twice in a local newspaper.

In summary, the Planning Board acknowledges that some members of the public may have not understood the full nature or scope of the planned discussion of Sections 6.0, 7.0, 8.0 or 9.0 of the Zoning Bylaw at its July 22, 2025 meeting, and the Board will seek to provide clear and sufficient descriptions on future notices. No other violations are alleged and no additional action by the Planning Board is necessary.

Very truly yours,



Brian W. Riley

BWR/asc

Enc.

cc:

[REDACTED]
Mr. Paul DiGiuseppe, Director of Planning (pdigiuseppe@nortonmaus.com)