

[REDACTED]
Norton, MA 02766

September 9, 2025

By E-Mail: bcarmichael@nortonmaus.com

Norton Planning Board
Norton Municipal Center
72 East Main Street
Norton, MA 02788

Re: Planning Board Zoning Bylaw Amendment

Dear Board Members,

I have not participated in the Planning Board meetings regarding the proposed Zoning Bylaw Amendments because I do not believe that it is necessary to amend the entire Zoning Bylaw at this time and do not agree with the process the Board is utilizing for this purpose.

The Board presented a similar bylaw that was defeated at the May 2025 Town Meeting. At that time, the Board failed to disclose to the Town that the purpose of the Zoning Bylaw article was not only recodification but to also make significant amendments to the Bylaw.

After defeat, the Board had three public hearings on the matter as part of a second attempt at passage, but again failed to properly disclose on the Board's agenda the reason for the hearings. My understanding is that few citizens showed up for the hearings. This may suggest that the Board failed to properly notify the public and or that the public has no interest in amending the Zoning Bylaw. After a resident filed an Open Meeting Law complaint, Town Counsel essentially admitted that a violation had occurred when the Board did not disclose in its agenda that the hearing would involve recodification and significant amendments to the Zoning Bylaw.

The Board Members may mean well by continuing to pursue a revision to the entire Zoning Bylaw. However, they have not received a mandate by the citizens of Norton to significantly amend the Town's Zoning Bylaw, which took the participation of thousands of residents over 50 years to create. The main function of the Board is to apply the Zoning Bylaw to proposed projects in the Town, and not to rewrite the entire Zoning Bylaw.

Because the Zoning Bylaw represents the property and other rights of the people of Norton, significant amendments to it must require important purpose, necessity and full disclosure to the public. Notice in a local newspaper that few people read does not satisfy proper and reasonable notice. Relying on an outdated notice requirement under M.G.L. c 40A does not resolve the need for full disclosure of significant matters to the public. Today, notice by newspaper is an oxymoron. Which is more important, compliance with outdated State regulations or full disclosure to the public and protection of their property rights? The lack of citizen participation at the Planning Board hearings is evidence of improper notice.

If the Board is claiming that amending the Zoning Bylaw is needed to address concerns of legal challenges to zoning, the Board should focus the proposed Zoning Bylaw changes to only those issues and not attempt to amend the entire Zoning Bylaw. First, there will always be challenges to zoning bylaws. Second, everything in the Norton Zoning Bylaw was approved at one time by the Attorney General's office. The Board should specifically indicate the language in the Zoning Bylaw that has been found to be illegal by a Court of competent jurisdiction and affirmed by the Appellate Court. Simple challenges by various parties to aspects of the Zoning Bylaw or decisions by the Town to not defend previous Board actions should not be included in proposals for amendment.

Notice of the proposed Zoning Bylaw changes by the Planning Board should be mailed to Town residents at least twice because of the significant impact to everyone's property rights. Notice should include the proposed changes in the context of the current language so that residents can understand the changes. The Board should indicate specifically why the proposed change is needed and its impact on the residents. The proposed changes **MUST** be shown within the context of the existing bylaw. Full disclosure should include both the original language and the proposed language and must be depicted in an easy-to-understand format. The Board must do the hard work of detailing the purpose, need and impact from the proposed changes, and not place the heavy lifting upon the citizenry to have to figure things out for themselves after inadequate notice.

I request that the Board withdraw its proposed Zoning Bylaw Amendment in advance of the Fall Town Meeting. The Board has not shown why significant amendments to the Zoning Bylaw is required at this time, beyond the claimed legal challenges. The Amendments the Board is seeking are a huge undertaking that requires broad citizen participation, absolute necessity and careful consideration with deep analysis toward desired goals and impact. My understanding is the Board has not even finalized the proposed Zoning Bylaw yet, only weeks before the Fall Town Meeting. It is not reasonable to expect people to review and understand a complicated legal document like the Zoning Bylaw only weeks before a Town Meeting, especially when most residents have not been properly notified of the purpose, intent and impact of the amendments.

The Board could consider putting forth a Zoning Bylaw amendment at Spring Town Meeting that only addresses the specific language that a Court has found violates the law. Any other major changes to the Zoning Bylaw proposed by the Planning Board should be attempted slowly over time, one bylaw at a time, with proper mailed notice, full disclosure and indication of potential impact on the people of Norton. It should be difficult, and not easy for the Board to change Town Bylaws because of their impact on people's rights. While mailed notice may be expensive to the Town, it is less costly than damaging people's property rights.

Please reconsider your position to amend the entire Zoning Bylaw. I believe the proposed Zoning Bylaw Amendment is not in the best interests of the people of Norton in its present form or process.

Thank you for your consideration.

Very truly yours,

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cc: Select Board, Finance Committee, Paul DiGiuseppe, Planning Board Members