

BYLAW REVIEW COMMITTEE
Town of Becket
557 Main Street
Becket, MA 01223

Minutes
June 21, 2017

PRESENT: Bylaw Review Committee: Jeanne Pryor, Chair; Ann Krawet; Bruce Garlow; George Roberts
ABSENT: Mark Karlberg
PUBLIC: none

The meeting was called to order at 2:01 p.m. by the Chair.

Review minutes of the December 14, 2016, March 22, 2017 and June 7, 2017 meetings

The minutes of the June 7, 2017 meeting were reviewed and approved on motion of A. Krawet, second of J. Pryor. The minutes of the December 14, 2016 and March 22, 2017 meetings were not available for review.

Discussion - proposed dark skies bylaw

The Committee reviewed the draft Outdoor Lighting Bylaw dated 6/17/17. The following changes, in bold, were made to the draft:

2. Applicability

- outdoor recreational lighting, **which** must be turned off by 10:00 p.m., or at the conclusion of a competition begun before 10:00 p.m. In no case may the lighting remain on after midnight, **unless approved by the Board of Selectmen** .

6. Pole Height

Wherever outside light fixtures are proposed for walkway lighting, the height of the light fixture shall not exceed 12 feet in height **above median grade at each pole location along the walkway**.

Wherever outside light fixtures are proposed for walls or building surfaces, the height of the light fixture shall not exceed 15 feet in height **above median grade. Fixtures illuminating a deck surface shall be no higher than 8 feet from the surface of the deck.**

8. Enforcement

This bylaw shall be enforced by the Building Inspector of the Town. **The Building Inspector shall have the authority and the duty to periodically inspect visually properties for compliance with this article, respond to complaints, and issue citations for any violations.** Failure to comply with this bylaw shall subject the offending property owner to a fine not exceeding twenty-five dollars (\$25.00) per day. ~~The provisions of this section may be penalized by indictment or on complaint brought in the district court or by non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D.~~ **In addition to any other means of enforcement available to the Building Inspector, the Building Inspector may enforce this article by means of noncriminal enforcement pursuant to MGL chapter 40, section 21D**

Jeanne to follow up with the Town Administrator concerning the statement in Section 2. regarding street lighting. George will contact International Dark-Sky Association (IDA) regarding permission to use and/or alter their lighting fixtures example document as included in the draft Bylaw.

Review Town Counsel comments regarding changes to Dog Control Bylaw

Town Counsel's comments were reviewed by the committee and the Committee agreed on the following:

Page 1, Comment A2:	definitions will remain in the amended Bylaw.
Page 1, Comment A3:	highlighted sentence in 2. will remain. additional language in 4. accepted
Page 2, Comment A4	highlighted sentence will remain keep highlighted sentence in 9.
Page 3, Comment A5	keep language
Page 5, Comment A6	no change (keep "not to exceed 10 days" in 4.)
Page 5, Comment A7	accept Section 3 heading change to "Cleaning Up After Dogs"
Page 6, Comment A8 & A9	delete Section 4 as recommended
Page 6, Comment A10	keep Section 5.1. only and add the sentence "The provisions of MGL Chapter 140, sections 161 and 161A shall apply to whoever suffers loss in a manner described in said section 161."
Page 6, Comment A11	Add to Section 6.1. "A nuisance finding must be made after investigation before any fines or remedial action may be taken."
Page 7-12, Comment A12	Comment not accepted. Keep Section 9 language.
Page 12-13, Comment A13	Section 11 no changes accepted, except in last paragraph on p. 12 change "dog believed by him" to "dog determined by hearing"
Page 13-15	Keep Section 13. Definitions

Review Selectmen's Proposed Amendments to Article 17 Town Betterment Bylaws, SECTION 21

The Committee discussed the proposed changes with regard to public consumption of alcohol and marijuana but feels the existing Bylaw is overly broad in terms of people on public roads and law enforcement. Liability on Town property and civil rights issues were discussed. The Committee will continue discussion and additional language may be proposed. Bruce will work on suggested language to address committee member concerns.

Any other business to come before the Committee per G.L. c. 30A, § 20(b)

The Committee discussed sending a certified letter to the Committee's Clerk asking if he plans to continue as a member or would consider resigning as we need three voting members to attend meetings. The Committee voted that the Chair send such letter.

Next meeting date and adjournment

The next meeting was scheduled for July 12, 2017 at 10:00 a.m. By motion of A. Krawet, second of J. Pryor, the meeting was adjourned at 4:37 p.m.

List of documents discussed and/or distributed at meeting:

- Minutes of the June 7, 2017 Bylaw Review Committee meeting
- Draft Article 17, Section 23 - Outdoor Lighting Bylaw dated 6/17/17
- Town Counsel comments regarding changes to Dog Control Bylaw
- Proposed Amendments to Article 17 Town Betterment Bylaws, SECTION 21.

Respectfully submitted by Jeanne Pryor

Approved by Jeanne Pryor, Chair

