

SECTION XXVI. ADOPTION/AMENDMENT PROCEDURES AND REQUIREMENTS.

This Zoning Bylaw may be adopted and from time to time changed by amendment, addition, or repeal, but only in the manner hereinafter provided.

- A. Adoption or change of this Zoning Bylaw may be initiated by the submission to the Board of Selectmen of a proposed zoning bylaw or an amendment thereto, by the Board of Selectmen, the Zoning Board of Appeals, the Planning Board, the regional planning agency in whose area the Town is situated, an individual owning land to be affected by change or adoption, the request of registered voters of the Town pursuant to Section 10, Chapter 39, Mass. General Laws, as amended, or by other methods provided by municipal charter. The Board of Selectmen shall, within fourteen (14) days of receipt of such Zoning Bylaw (or amendment thereto), submit it to the Planning Board for review.
- B. No zoning bylaw or amendment thereto shall be adopted until after the Planning Board of the Town has held a public hearing thereon at which interested persons shall be given an opportunity to be heard.

No vote to adopt any such proposed bylaw or amendment thereto shall be taken until a report with recommendations by the Planning Board has been submitted to the Town Meeting, unless twenty-one (21) days from the date of the public hearing has elapsed without submission of such a report or recommendations.

Upon Town Meeting approval of any zoning bylaw or amendment thereto, the Planning Board shall prepare a statement explaining the bylaws or amendments proposed, which along with any explanatory maps or plans, shall be furnished to the Attorney General for his review as required by Section 32, Chapter 40, Mass. General Laws, as amended, as provided for herein.

- C. The aforementioned public hearing shall be held within sixty-five (65) days after the proposed zoning bylaw or amendment thereto is submitted to the Planning Board by the Board of Selectmen.

Notice for the public hearing shall be provided by the Planning Board and shall otherwise be in conformance with the provisions of SECTION XXVIA., Parts A, C, D, E, and F. Notice of said hearing shall be sent by mail, postage prepaid, to the Department of Community Affairs, the regional planning agency in whose area the Town is situated, and to the planning boards of all abutting cities and towns. In cases involving boundary or use changes within a district, notice shall be sent to any non-resident property owner who has filed such a request with the Town Clerk and whose property lies in the district where the change is sought.

- D. After such notice, hearing, and report, or a failure to submit such report within twenty-one (21) days, as herein provided, a Town Meeting may adopt, reject, or amend any proposed zoning bylaw.

No zoning bylaw shall be adopted or amended except by a two-thirds vote of a Town Meeting.

If a Town Meeting fails to vote to adopt any proposed zoning bylaws or amendments thereto within six (6) months after the aforementioned public hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided above.

No proposed zoning bylaws or amendments thereto which have been unfavorably acted upon by a Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless the adoption of such proposed zoning bylaw or amendments thereto is recommended in the final report of the Planning Board.

- E. Within fifteen (15) days of the final adjournment of a Town Meeting at which any proposed zoning bylaws or amendments thereto are adopted, the Town Clerk shall submit to the Attorney General a certified copy of the zoning bylaws, a request for the approval of the zoning bylaws, a statement explaining the zoning bylaws as provided for in Clause B. above, and adequate proof that all of the procedural requirements for the adoption of such zoning bylaws have been complied with.

Except to the extent that a zoning bylaw may take effect as provided below, it shall not take effect until it has been approved by the Attorney General, or until ninety (90) days shall have elapsed following the submission by the Town Clerk provided for above without action by the Attorney General. If a zoning bylaw takes effect by reason of the failure of Attorney General to reasonably act upon a request for its approval, the Town Clerk shall enter into the records a statement that the zoning bylaw has become effective by reason of such failure.

If the Attorney General does not, within said ninety (90) day period, request of the Town Clerk in writing, further proof of compliance with all procedural requirements for the adoption of such zoning bylaws, stating specifically wherein such proof as submitted above is inadequate, it shall be assumed that the proof initially submitted was adequate.

If the Attorney General disapproves a zoning bylaw, he shall give notice of his disapproval and his reasons therefore to the Town Clerk.

- F. The effective date of the adoption or amendment of any zoning bylaw shall be the date on which such adoption or amendment was voted upon by a Town Meeting.

If a zoning bylaw is subsequently disapproved, in whole or in part, by the Attorney General, the previous zoning bylaw, to the extent that such previous zoning bylaw was changed by the disapproved zoning bylaw or portion thereof, shall be deemed to have been in effect from the date of such vote.

- G. Copies of an approved zoning bylaw or amendment thereto shall be published at least twice at least one (1) week apart in a newspaper of general circulation in the Town.

The publication of a zoning bylaw shall include a statement that claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety(90)days after adoption of a zoning bylaw, and a statement indicating where copies of such zoning bylaws may be examined and obtained.

The requirements of publishing in one or more newspapers as above, may be dispensed with if notice of the zoning bylaws is given by delivering a copy thereof at every occupied dwelling or apartment in the Town, and affidavits of persons delivering the said copies, filed with the Town Clerk, shall be conclusive evidence of proper notice hereunder.

After approval of zoning bylaws by the Attorney General, a copy of the latest effective zoning bylaws shall be sent by the Town Clerk to the Department of Community Affairs.

- H. No claim of invalidity of any zoning bylaws arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceeding, and no state, regional, county, or municipal officer shall refuse, deny, or revoke any permit, approval, or certificate because of any such claim of invalidity, unless within ninety (90) days after adoption of a zoning bylaw, legal action is commenced and notice specifying the court, parties, invalidity claimed, and date of filing is filed, together with a copy of the petition, with the Town Clerk within seven (7) days after the commencement of the action.