



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
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September 5, 2023

Chris Andrews, Town Clerk
Town of Monterey
P.O. Box 277
Monterey, MA 01245

Re: Monterey Annual Town Meeting of May 6, 2023 -- Case # 11054
Warrant Article # 30 (Zoning)
Warrant Article # 32 (General)

Dear Mr. Andrews:

Article 32 - We approve Article 32 from the May 6, 2023 Monterey Annual Town Meeting.

Article 30 - Because of a procedural defect in the adoption of Article 30, the Attorney General has elected to proceed under the authority conferred by G.L. c. 40, § 32 and place this Article on "299 hold."

In the materials submitted to us the Town certified the following information pursuant to G.L. c. 40, § 32 and c. 40A, § 5: (1) The Planning Board hearing notice was posted on April 24, 2023 for a hearing to be held on April 27, 2023 and therefore the notice was not posted at least fourteen days before the Planning Board hearing, as required by G.L. c. 40A, § 5; (2) the Planning Board hearing notice that was posted identified the subject matter of the hearing as only "zoning bylaw correction" and therefore the notice did not provide the subject matter, sufficient for identification. In addition, the posted notice did not identify the place where the text (and maps if any) of the proposed bylaw amendment may be inspected, both as required by G.L. c. 40A, § 5; and (3) notice of the Planning Board hearing was not sent to the Department of Housing and Community Development (now called the Executive Office of Housing and Livable Communities), the Regional Planning Agency and the planning boards of the abutting cities and towns, as required by G.L. c. 40A, § 5. For these reasons, the 90-day period prescribed for the Attorney General's review of Article 30 is suspended in accordance with G.L. c. 40, § 32.

A signed copy of Form 299 is enclosed. Once the procedures outlined in Form 299 are completed, and after the expiration of the 21-day period required by G.L. c. 40, § 32, please return a copy of Form 299 to us along with your certification that a true copy has been posted and published as required by G.L. c. 40, § 32. Please feel free to contact this Office with any questions about this procedure.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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cc: Town Counsel Donna Brewer