



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 14, 2018

Terry L. Walker, Town Clerk
Town of Monterey
P.O. Box 277
Monterey, MA 01245

Re: Monterey Annual Town Meeting of May 5, 2018 -- Case # 9005
Warrant Article # 25 (Zoning)
Warrant Articles # 16, 17 and 23 (General)

Dear Ms. Walker:

Articles 16, 17 and 23 - We approve Articles 16, 17 and 23 from the May 5, 2018 Monterey Annual Town Meeting.

Article 25 - Because of a procedural defect in the adoption of Article 25 the Attorney General has elected to proceed under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, and place this Article on "hold."

In the materials submitted to this Office pursuant to G.L. c. 40, § 32, the Town Clerk has certified the following information: the planning board hearing notice was not sent to the Department of Housing and Community Development, the Regional Planning Agency and the planning boards of the abutting cities and towns, as required by G.L. c. 40A, § 5.

Therefore, the 90-day period prescribed for the Attorney General's review of Article 25 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 Chapter 299 of the Acts of 2000, 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 Chapter 299. 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,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel Jeremia Pollard