



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
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WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

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November 23, 2020

Susan G. Hazen, Town Clerk
Town of Rowley
139 Main Street, P.O. Box 351
Rowley, MA 01969

**Re: Rowley Annual Town Meeting of June 22, 2020 -- Case # 9906
Warrant Articles # 20 and 21 (General)**

2020 NOV 23 PM 4: 06
TOWN OF ROWLEY
TOWN CLERK

Dear Ms. Hazen:

Articles 20 and 21 - We approve Articles 20 and 21 from the June 22, 2020 Rowley Annual Town Meeting. Our comments regarding Article 20 are provided below.

Article 20 – Article 20 amends the Town’s general by-laws to add a new, unnumbered by-law, “Stretch Energy Code.” The by-law incorporates by reference the Stretch Energy Code, 780 CMR Appendix 115.AA. Section 4 of the by-law provides that it is enforceable by the Building Inspector. In addition, Section 4 provides that the by-law is effective “as of the date the Attorney General approves this bylaw.”

Pursuant to G.L. c. 40, § 32, a by-law approved by the Attorney General must be posted or published before it goes into effect:

Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town.

Therefore, the new “Stretch Energy Code” by-law does not become effective until the Town satisfies the posting/publishing requirements of G.L. c. 40, § 32. The Town should consult with Town Counsel with any questions on this issue.

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

Nicole B. Caprioli

By: Nicole B. Caprioli
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I, Richard C. MacDonald, duly elected and qualified Constable for the Town of Rowley do hereby certify that this document has been posted in the three (3) Public places as proscribed by law: The Rowley Town Hall, Rowley Annex and The Rowley Public library. Additionally, as directed by town bylaw, these documents can be found of the town website, www.townofrowley.net.

Richard C. MacDonald
Richard C. MacDonald, Constable

12/11/20
Date