



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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March 22, 2012

Diane Crory
Littleton Town Clerk
37 Shattuck Street P.O. Box 1305
Littleton MA 01460

**RE: Littleton Special Town Meeting of November 14, 2011 --- Case # 6243
Warrant Articles # 5, 12, 14, 15, 16, 17, and 18 (General)**

Dear Ms. Crory:

Article 5 – We return with no action by this Office the vote under Article 5 on the warrant for the Littleton Special Town Meeting which convened on November 14, 2011. The vote is an acceptance of a local acceptance statute, G.L. c. 129, § 15. Such votes are not required to be submitted to our Office for review and approval.

Articles 12, 14, 15, 16, 17 and 18 - We approve the amendments to the Town by-laws adopted under these Articles on the warrant for the Littleton Special Town Meeting that convened on November 14, 2011. Our comments on Articles 12 are detailed below.

Article 12 – The amendments adopted under Article 12 authorize the Conservation Commission, with the approval of the Board of Selectmen, to appoint an unlimited number of associate members to the Conservation Commission. Such associate members “shall have no vote.”

Massachusetts General Laws Chapter 40, Section 8C, which authorizes towns to establish Conservation Commissions upon local acceptance of that statute, does not reference associate members of the Conservation Commission. However, because there is nothing in G.L. c. 40, § 8C, or any other state law or Constitutional provision, which prohibits such an appointment, we approve the amendments adopted under Article 12. Although the bylaw indicates the associate members will not vote, we understand from our conservation with Town Counsel that such associate members will also not deliberate or be counted as part of the quorum. The Town should consider amending this text at a future Town Meeting to reflect those additional restrictions on associate members’ participation in Conservation Committee proceedings. The Town should consult with Town Counsel regarding any questions on that 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 that 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 voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
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cc: Thomas Harrington, Town Counsel (via electronic mail)