



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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

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

June 24, 2013

Ms. Diane Crory, Town Clerk
Town of Littleton
P.O. Box 1305
Littleton, MA 01460

Re: Littleton Annual Town Meeting of May 6, 2013 ----- Case # 6732
Warrant Articles # 20 and 21 (Zoning)
Warrant Articles # 24 and 25 (General)

Dear Ms. Crory:

Articles 20, 24, and 25 - We approve the amendments adopted under Articles 20, 24, and 25 on the warrant for the Littleton Annual Town Meeting that convened on May 6, 2013. Our comments regarding Article 24 are provided below.

Article 24 - The amendments adopted under Article 24 make a number of changes to Chapter 171, Wetlands Protection, that authorize the Conservation Commission to adopt rules and regulations pertaining to wetlands protection. We approve the amendments adopted under Article 24. However, the Conservation Commission does not have the power to adopt rules and regulations which are inconsistent with state law. "A town may not promulgate a regulation that is inconsistent with State law." American Lithuanian Naturalization Club v. Board of Health of Athol, 446 Mass. 310, 321 (2006). We suggest that the Conservation Commission discuss with Town Counsel any proposed rules and regulations to ensure they comply with state law.

Article 21 - We retain for further review the amendments adopted under Article 21. We will issue our decision on Article 21 on or before our deadline of August 22, 2013.

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.

Very truly yours,

Kelli E. Gunagan

Kelli E. Gunagan

Assistant Attorney General

By-law Coordinator, Municipal Law Unit

Office of the Attorney General Martha Coakley

Ten Mechanic Street, Suite 301

Worcester, MA 01608

cc: Town Counsel Thomas Harrington (via electronic mail)