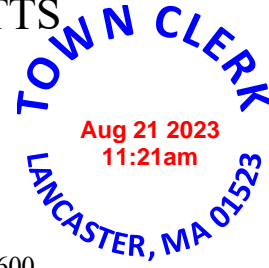




THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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



ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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

August 18, 2023

Amanda J. Cannon, Town Clerk
Town of Lancaster
701 Main Street
Lancaster, MA 01523

**Re: Lancaster Special Town Meeting of November 14, 2022 -- Case # 10850
Warrant Articles # 3, 5, 6, and 7 (Zoning)**

Dear Ms. Cannon:

Articles 5 and 6 - We approve Articles 5 and 6 from the November 14, 2023 Lancaster Annual Town Meeting.

Article 3 - Under Article 3 the Town voted to amend the zoning by-laws to adopt a new North Lancaster Smart Growth Overlay District by-law pursuant to G.L. c. 40R. Because of a procedural defect in the adoption of Article 3 amending the zoning by-laws, 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: the Town did not send notice as required by G.L. c. 40A, § 5 to the Department of Housing and Community Development (now called the Executive Office of Housing and Livable Communities (EOHLC)), the regional planning agency, and all abutting cities and towns. The Town tried to cure this planning board hearing notice defect by obtaining waivers from EOHLC, the regional planning agency, and the planning board of each abutting city and town as authorized by G.L. c. 40A, § 5. However, the Town did not receive the waivers prior to Town Meeting. Therefore, because the Town did not send notice to EOHLC, the regional planning agency, and to the planning board of each abutting city and town (and was unable to secure a waiver from all of these entities before Town Meeting), the notice of the June 8, 2022 Planning Board hearing did not comply with G.L. c. 40A, § 5. For these reasons, the 90-day period prescribed for the Attorney General's review of Article 3 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.

Article 7 - The Attorney General's deadline for a decision on Article 7 is extended for an additional 60 days under the authority conferred by G.L. c. 40, § 32. The agreement with Town Counsel for a 60-day extension is attached. We will issue our decision on Article 7 on or before **October 20, 2023**.

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

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Ivria Glass Fried