



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

July 13, 2012

Eva K. Szkaradek, Town Clerk
472 Main Street
Acton, MA 01720

A TRUE COPY, ATTEST:

A handwritten signature in cursive script, reading "Eva K. Szkaradek".

TOWN CLERK, ACTON, MA

RE: Annual Town Meeting of May 2, 2012 – Case # 6269
Warrant Articles # 39, 41, 44, 45, 46, 47, 48 and 49 (Zoning)
Warrant Articles # 38, 40 (General)

Dear Ms. Szkaradek:

Articles 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, and 49 - We return with the approval of this Office the amendments to the Town by-laws adopted under these Articles on the warrant for the Acton Annual Town Meeting that first convened on May 2, 2012. Our comments on Article 38 are detailed below.

Article 38 – The amendments adopted under Article 38 amend Section B23 of Chapter B of the Town's General By-laws, "Commission on Disabilities." We approve these amendments but the Town should also comply with the provisions of G.L. c. 40, § 8J, which details the powers and duties of such a disability commission, and the membership criteria. We suggest the Town consult with Town Counsel 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 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,

MARTHA COAKLEY
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: Stephen D. Anderson, Town Counsel (via electronic mail)