

### NOTICE

As per Massachusetts General Laws Chapter 40, section 32, the following attested copies have been posted in five (5) public places in the town of Hadley:


1. **HADLEY SPECIAL TOWN MEETING OF JUNE 20, 2020**  
Warrant Article #22(Zoning)  
Warrant Article #11 and 23 (General)
2. Attorney General's letter dated September 2, 2020 pertaining to Articles and approval thereof

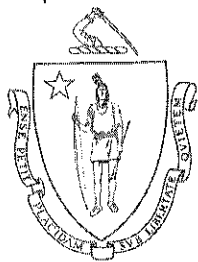
Copies of the Zoning By-law and zoning map may be examined and obtained in the office of the Town Clerk, Town Hall, Hadley, MA. Claims of invalidity by reasons of any defect in the procedure of adoption may only be made within ninety (90) days of this posting.

Copies posted at: Town Hall, Hadley Post Office, North Hadley Sugar Shack, Hadley Safety Complex, Hadley Senior Center, all in said town on

9-4, 2020

ATTEST:

  
Constable  
Hadley, Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

September 2, 2020

Jessica Spanknebel, Town Clerk  
Town of Hadley  
100 Middle Street  
Hadley, MA 01035

**Re: Hadley Annual Town Meeting of June 20, 2020 -- Case # 9788**  
**Warrant Article # 22 (Zoning)**  
**Warrant Articles # 11 and 23 (General)**

Dear Ms. Spanknebel:

Articles 11, 22 and 23 - We approve Articles 11, 22 and 23 from the June 20, 2020 Hadley Annual Town Meeting. Our comments regarding Article 23 are provided below.

Article 23 – Article 23 amends the Town’s general by-laws to add a new Chapter 87, “Hadley Affordable Housing Trust Fund.”<sup>1</sup> The new Chapter 87 is adopted in accordance with G.L. c. 44, § 55C that authorizes a municipality to establish an affordable housing trust fund. We offer comments for the Town’s consideration.

Section 4 of the by-law sets forth the Trustee’s powers. Section 4 (a) authorizes the Trustees to accept and receive real property, personal property or money tendered to the Trust. Section 4 (a) specifically authorizes the Trustees to accept money from G.L. c. 44B. In applying the provisions of Section 4(a) pertaining to G.L. c. 44B money, the Town must ensure that it complies with G.L. c 44, § 55C, that provides in relevant part as follows:

...any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be

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<sup>1</sup>In addition to amending the general by-laws to add a new Chapter 87, “Hadley Affordable Housing Trust Fund,” pertaining to the Town’s affordable housing trust and its Board of Trustees, the vote under Article 23 also (1) accepted the provisions of G.L. c. 44, § 55C; and (2) established a trust to be known as the Hadley Affordable Housing Trust Fund. We take no action on those portions of the vote under Article 23 to accept the provisions of G.L. c. 44, § 55C and to establish the Trust. Those votes are not by-law amendments and are not subject to review and approval by the Attorney General. *See* G.L. c. 40, § 32. The Town should consult with Town Counsel regarding whether these votes should be filed with the Secretary of State and the Department of Revenue, Division of Local Services.

accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the...town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue.

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  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 ext. 4418

cc: Town Counsel Joel B. Bard