



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
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WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

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August 13, 2022

Tracy K. Kenney, Town Clerk  
Town of Canton  
801 Washington Street  
Canton, MA 02021

**Re: Canton Annual Town Meeting of May 9, 2022 -- Case # 10552**  
**Warrant Articles # 32, 33, 34, 35, 38 and 40 (Zoning)**  
**Warrant Articles # 18, 26 and 27 (General)**

Dear Ms. Kenney:

**Articles 18, 26 and 27** - We approve Articles 18, 26 and 27 from the May 9, 2022 Canton Annual Town Meeting.

**Articles 32, 33, 34, 35, 38 and 40** - Because of a procedural defect in the adoption of Articles 32, 33, 34, 35, 38 and 40, the Attorney General has elected to proceed under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, and place these Articles on "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 Planning Board hearing notice was posted on February 11, 2022 for a hearing to take place on February 16, 2022. Therefore, the notice was posted for five days and not at least fourteen days prior to the Planning Board hearing as required by G.L. c. 40A, § 5. Apart from this defect the notice appears to satisfy the requirements of the statute.<sup>1</sup>

Therefore, the 90-day period prescribed for the Attorney General's review of Articles 32, 33, 34, 35, 38 and 40 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 Chapter 299 of the Acts of 2000, please return a copy of Form 299 to us along with your certification that a true copy has been

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<sup>1</sup> We note that the published and posted planning board hearing notices for Articles 32, 33, 34, 35, 38 and 40 did not include a statement where the text (and map, if any) of the proposed amendment may be inspected. This statement is required pursuant to G.L. c. 40A, § 5. However, the notices included the exact text of the by-law amendments.

posted and published as required by Chapter 299. Please feel free to contact this Office with any questions about this procedure.

**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*

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cc: Town Counsel Paul DeRensis