



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

October 1, 2014

Barbara L. Suriner, Town Clerk
Town of Dalton
462 Main Street
Dalton, MA 01226-1601

**RE: Dalton Annual Town Meeting of May 5, 2014 - Case # 7316
Warrant Articles # 19, 20, 22 and 23 (Zoning)
Warrant Article # 24 (General)**

Dear Ms. Suriner:

Articles 19, 20, 22, and 23 – We approve Articles 19, 20, 22, and 23 from the May 5, 2014 Dalton Annual Town Meeting. Our comments on Article 20 are detailed below.

Article 20 - Article 20 amends the Town's zoning by-laws to allow for large scale solar photovoltaic facilities by site plan approval and/or special permit in 6 districts in Town. General Laws Chapter 40A, § 3, protects solar energy systems and the building of structures that facilitate the collection of solar energy as follows:

No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

There are no court decisions to guide the Town and this Office in determining what qualifies as an unreasonable regulation of solar uses in contravention of G.L. c. 40A, § 3. However, the Town should be mindful of this requirement in applying the amendments adopted under Article 20 and consult closely with Town Counsel during the process.

Article 24 – Because we do not yet have all of the materials required by G.L. c. 40, § 32 necessary to complete our review of Article 24, we are placing this Article on “hold.” Specifically, we have not yet received a certified copy of the vote on Article 24. Once we receive this document we will issue our decision on Article 24. Please feel free to contact this Office with any questions regarding 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 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: Town Counsel Joel Bard