



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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September 5, 2023

Debra Gremo, Town Clerk
Town of Wareham
54 Marion Road
Wareham, MA 02571

**Re: Wareham Special Town Meeting of April 24, 2023 -- Case # 10912
Warrant Articles # S13 and S15 (Zoning)**

Dear Ms. Gremo:

Articles S13 and S15 - We approve Articles S13 and S15, and the map amendments voted under Article S15, from the April 24, 2023 Wareham Special Town Meeting. We will return the approved map to the Town by regular mail. Our comments on Article S15 provided below.

Article S15 - Under Article S15, The Town adopted a new district, "Wareham Village Reinvestment Subdistrict" intended to improve the market potential for market-rate, mixed-use development in Wareham Village. Various commercial, institutional and educational uses are allowed by right (with site plan review), and single-family and multi-family dwellings in new or existing structures and apartments in a mixed-use building are also allowed by right (with site plan review).

We approve the amendments adopted under Article S15. If the Town intends to utilize this new Wareham Village Reinvestment Subdistrict to satisfy the requirement in G.L. c. 40A, § 3A that the Town adopt at least one zone that meets the requirements of Section 3A, then the Town must submit the by-law amendment and other required documents to EOHLIC for that Office's determination whether the Town has met its Section 3A obligation. The Attorney General's approval of the by-law amendments pursuant to her review authority in G.L. c. 40, § 32 means that the by-law amendments will have lawful effect once Town completes the posting/publishing requirements of G.L. c. 40, § 32. However, the Attorney General's approval of the by-law amendments does not constitute a determination as to whether the Town has met the requirements of Section 3A. The Town must obtain EOHLIC's determination that the Town has complied with Section 3A. The Town should consult with Town Counsel and/or EOHLIC 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,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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