



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 27, 2021

Michele Bissonnette, Town Clerk  
Town of Wareham  
54 Marion Road  
Wareham, MA 02571

**Re: Wareham Special Town Meeting of June 12, 2021 -- Case # 10230  
Warrant Articles # 8, 9, and 17 (Zoning)  
Warrant Articles # 10 and 11 (General)**

Dear Ms. Bissonnette:

**Articles 8, 9, 10 and 11** - We approve Articles 8, 9, 10, and 11 from the Wareham June 12, 2021 Special Town Meeting. Our comments on Article 9 are provided below.

**Article 17** - The Attorney General's deadline for a decision on Article 17 is extended for an additional sixty days under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000. The agreement with Town Counsel for the sixty-day extension is attached hereto. We will issue our decision on Article 17 on or before **November 25, 2021**.

**Article 9** - Under Article 9 the Town voted to amend its zoning by-laws by deleting the Town's existing Floodplain Overlay District by-law and inserting a new Section 420, "Floodplain Overlay District." Article 9 is part of a federal requirement for communities that choose to participate in the National Flood Insurance Program (NFIP) and is adopted to ensure that the Town's zoning by-laws contain the necessary and proper language for NFIP compliance. The text of the new Section 420 appears to follow the "Massachusetts 2020 Model Floodplain Bylaw" provided by the Massachusetts Department of Conservation and Recreation Flood Hazard Management Program. (DCR Flood Hazard Management Program) See <https://www.mass.gov/guides/floodplain-management#-2020-massachusetts-mo>.

The DCR Flood Hazard Management Program is the state coordinating office for the NFIP and, according to their website, they have provided the Model Floodplain Bylaw to Massachusetts communities "to assure that their local bylaws...contain the necessary and proper language for compliance with the" NFIP. For this reason, we approve Article 9. The Town should consult with Town Counsel and the DCR Flood Hazard Management Program with any questions regarding the application of the new Section 420.

**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

*Kelli E. Gunagan*

By: Kelli E. Gunagan  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel Richard Bowen