



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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January 15, 2019

Eloise E. Salls, Town Clerk
Town of Berlin
23 Linden Street, #8
Berlin, MA 01503

**Re: Berlin Special Town Meeting of October 15, 2018 – Case # 9168
Warrant Articles # 18 and 19 (Zoning)**

Dear Ms. Salls:

Articles 18 and 19 - We approve Articles 18 and 19 from the Berlin Special Town Meeting of October 15, 2018.

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,

MAURA HEALEY
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 Katherine D. Laughman

STATEMENT OF POSTING BYLAW AMENDMENTS

DATE: January 17, 2019

On the date above written, I have posted copies of the bylaw amendments passed at the October 15, 2018 Special Town Meeting and approved by the Attorney General on January 15, 2019 at the following public places in the town: Town Offices, Town Hall, U.S. Post Office, Berlin Memorial School, and Berlin Public Library

Elaine F. Salls

Town Clerk of Berlin

NOTICE

Massachusetts General Laws, Chapter 40, Section 32 as amended, requires that the foregoing publication include the following information:

Claims of invalidity of the foregoing amendments to the Zoning Bylaws, by reason of any defects in the procedure of adoption, may only be made within ninety days after the 2nd publication of Zoning Bylaw changes, said date being April 17, 2019.

Copies of amendments to the Bylaws may be examined and obtained at the office of the Town Clerk, 23 Linden St. #8, Berlin MA 01503.

Reference is further made to Massachusetts General Laws, Chapter 40A, Section 5, as amended, which provides that no claim of invalidity of a Zoning Bylaw arising out of any possible defect in the procedure of adoption shall be made in any legal proceeding unless within one hundred and twenty days after adoption of said Bylaws, legal action is commenced and a notice specifying the identity of the court, the parties, the invalidity claimed, the date of filing, together with a copy of the petition or complaint is filed with the Town Clerk, said notice to be filed within seven days after the commencement of the action or actions.

Elaine F. Salls

Town Clerk of Berlin

