



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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October 7, 2020

Kim A. Leach, Town Clerk
Town of Peru
3 East Main Road
Suite 102
Peru, MA 01235

**Re: Peru Annual Town Meeting of June 20, 2020 -- Case # 9864
Warrant Article # 33 (General)**

Dear Ms. Leach:

Article 33 - We approve Article 33 from the June 20, 2020 Peru Annual Town Meeting. Article 33 is a vote to “rescind” the Town’s Wetlands By-law and instead to administer and enforce the State’s Wetlands Protection Act, as follows:

...rescind the Peru Wetlands By-law and Administer and Enforce the Commonwealth of Massachusetts Wetlands Protection Act (Chapter 131, Section 40) and Wetlands Protection Regulations (310 CMR 10.00)...

We construe Article 33 as a vote to amend the Town’s by-laws by deleting the Town’s existing Wetlands by-law. Further, the Town Clerk has confirmed that the Town has not inserted any new text into its by-laws pertaining to wetlands. We take no action on the remainder of Article 33 pertaining to the Town’s intention to administer and enforce the State’s Wetland Protection Act, because that portion of the vote is not a by-law amendment subject to the Attorney General’s review pursuant to G.L. c 40, § 32. The Town should consult with Town Counsel with any questions pertaining to enforcement of the State’s Wetland Protection Act.

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

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cc: Town Counsels Joel B. Bard and Jeffrey T. Blake